

CORPORATION PROCEEDINGS
COMMON COUNCIL
CITY HALL - BUFFALO
March 8, 2011
AT 2:00 P.M.

Present – David A. Franczyk, President of the Council, and Councilmembers: Fontana, Golombek, Kearns, LoCurto, Pridgen, Rivera, Russell & Smith - 9

Absent - None

On a motion by Mr. Fontana, Seconded by Mr. Rivera, the minutes of the stated meeting held on February 22, 2011 were approved.

	* A Y E * N O *
FONTANA	* / * *
FRANCZYK	* / * *
GOLOMBEK	* / * *
KEARNS	* / * *
LOCURTO	* / * *
PRIDGEN	* / * *
RIVERA	* / * *
RUSSELL	* / * *
SMITH	* / * *
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	* 9 0 *
	* * *

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[MAJ - 5]
[2/3 - 6]
[3/4 - 7]

March 8, 2011

FROM THE MAYOR

March 8, 2011

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: February 24, 2011
FROM: DEPARTMENT: Mayor
SUBJECT: [: Appointment -
[: Buffalo Preservation Board

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

Pursuant to Chapter 337, Article II, § 337-3 of the City Charter, I hereby appoint John M. Laping, 309 Nottingham Terrace, Buffalo, New York, 14216 to serve on the Buffalo Preservation Board for a 3-year term, commencing immediately and expiring January 31, 2014.

I hereby certify that the above mentioned individual is fully qualified to serve on the Buffalo Preservation Board.

SIGNATURE

DEPARTMENT HEAD TITLE :  Byron W. Brown, Mayor

Mr. Fontana moved:

That the above communication from the Mayor dated February 24, 2011, be received and filed; and

That the appointment of John M. Laping residing at 309 Nottingham Terrace, Buffalo, NY 14216, to the Buffalo Preservation Board for a term of 3 years, commencing immediately and expiring on January 31, 2013 is hereby approved on the condition that he does not owe any outstanding liens to the City of Buffalo.

Passed.

TAB:rmv

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* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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TO: THE COMMON COUNCIL

DATE: February 28, 2011

FROM: THE EXECUTIVE DEPARTMENT

SUBJECT: ~~XXXX~~ Mayoral Appointments to Citizens Advisory Commission on Reapportionment

Pursuant to §18-12 of the Charter of the City of Buffalo, I hereby appoint the following individuals to the Citizens Advisory Commission on Reapportionment:

Matthew L. Brown
36 William Price Parkway
Buffalo, New York 14214

Bonita R. Durand, Ph.D
153 Winspear Avenue
Buffalo, New York 14215

Brian Gould
185 York Street
Buffalo, New York 14213

Patricia A. Pierce
28 Tuscarora Road
Buffalo, New York 14220

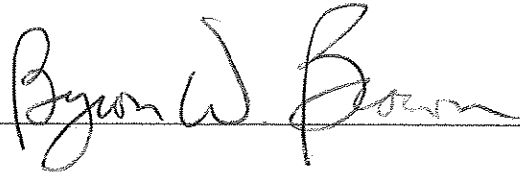
DEPARTMENT HEAD NAME:

Byron W. Brown

TITLE:

Mayor

SIGNATURE OF DEPARTMENT HEAD:

A handwritten signature in dark ink, appearing to read "Byron W. Brown", is written over a horizontal line.

RECEIVED AND FILED

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FROM THE MAYOR - EXECUTIVE DEPARTMENT

March 8, 2011

FROM THE CITY PLANNING BOARD

March 8, 2011

SEQRA Notice of Determination
Non Significance

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR - State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo Planning Board
Room 901, City Hall
65 Niagara Square
Buffalo New York 14202

As per the provisions of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: Horsefeathers Market & Residence Parking Area
Location: 336 Connecticut Street (AKA 346/336 Connecticut St)
Type of Action: Unlisted- Uncoordinated

Description: The Frizlen Group, Karl Frizlen is proposing the construction of a parking lot located at 336 Connecticut Street, Buffalo New York. The proposed project consists of the construction of a twenty-one space lot combining a currently gravel lot located at 346 Connecticut with the 336 property. Landscaping and screening will be added to meet the requirements of the City of Buffalo Site Plan and Design Review Ordinance. The project will be funded privately in the amount of 10,000 dollars.

As a result of this Environmental Review, the Lead Agency has determined the undertaking of this action will not have a significant adverse affect on the quality of the environment. No further environmental review of this action will be conducted prior to project implementation and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: The facts and reasons for this decision are as follows: this project will take two vacant lots and convert them to a parking/landscaped area that will benefit the adaptive reuse of 346 Connecticut Street. The identified potential negative impacts appear to be primarily short-term site preparation and construction related activities, and do not appear to be significant in magnitude or effect. There are no actions, which will have a significant adverse impact on the environment.

For further information relative to this Negative Declaration, contact Mr. Martin Grunzweig, Land Use Controls Coordinator, Room 901 City Hall, Buffalo New York 14202 - 716 851-5085

Dated: February 15, 2011

CC: City Clerk
City of Buffalo Common Council
City of Buffalo Public Works, Parks, Streets Department
City of Buffalo Economic Development, Permits and Inspection
Frizlen Architects

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**SEORA Notice of Determination
Non Significance****Negative Declaration**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo Planning Board
Room 901, City Hall
65 Niagara Square
Buffalo New York 14202

As per the provisions of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title Larkin District Office Building

Location: 111 Hydraulic Street

Type of Action: Unlisted- Uncoordinated

Description: 598 Main Street, LLC is proposing the construction of a new two story commercial building located at 111 Hydraulic Street, Buffalo New York. The proposed project consists of the construction of a 57,000 square foot, two story building near the corner of Seneca and Hydraulic Streets. The scope consists of two small surface lots, outdoor patio, a water feature and both building stories serving as office space. The plan pulls the proposed building 50'-0" off the Seneca Street property line to allow for the potential of future mixed use properties to be developed keeping with the Larkin district Master Plan. The design for the building is based on art deco "Industrial/office" architecture. Building materials include various shades of tan/gold tone masonry with cast stone accents, dark bronze anodized storefront framing w/low-E non reflective glazing and pre finished canopies. The structure will be of conventional steel frame type. The Foundation will consist of piles or caissons down to bedrock and grade beams. The site has been cleared with a prior demolition permit and is ready to build on. The project will be privately funded with an estimated construction cost of 5.7 million dollars. ECIDA has prepared their own Negative Declaration as they do have some involvement with this project.

As a result of this Environmental Review, the Lead Agency has determined the undertaking of this action will not have a significant adverse affect on the quality of the environment. No further environmental review of this action will be conducted prior to project implementation and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: The facts and reasons for this decision are as follows: this project will continue the rapid success of the Larkin District Community. The new landscaping will add to the surrounding community's aesthetics. The construction of the new building should create construction jobs as well as new jobs in the building when it is complete. The identified potential negative impacts appear to be primarily short-term site preparation and construction related activities, and do not appear to be significant in magnitude or effect. There are no actions, which will have a significant adverse impact on the environment.

For further information relative to this Negative Declaration, contact Mr. Martin Grunzweig, Land Use Controls Coordinator, Room 901 City Hall, Buffalo New York 14202 – 716 851-5085

Dated: February 15, 2011

CC: City Clerk
City of Buffalo Public Works, Parks, Streets Department
City of Buffalo Economic Development, Permits and Inspection
Young / Wright Architectural

RECEIVED AND FILED

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON- SIGNIFICANCE

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to the New York State Environmental Quality Review Act (SEQR), Article 8 of the New York State Environmental Conservation Law.

Lead Agency: City of Buffalo Planning Board
Room 901, City Hall
65 Niagara Square
Buffalo New York 14202

As per the provisions of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title Bethune Hall

Location: 2917 Main Street

Type of Action: Type 1, Uncoordinated

Description: Carmina Wood Morris is proposing the restoration and reconstruction of the former Buffalo Meter Company Building (AKA Bethune Hall) on the property located at 2917 Main Street, Buffalo New York. The first phase of this project will include the exterior restoration, including new windows and storefronts and masonry/concrete restoration. The entire building will be converted to Loft Style Apartments. The project budget is currently set at 8.5 million dollars all of which will be privately financed. The project financing includes offsets through Federal and New York State Historic Preservation Tax Credits. Construction should begin in June of 2011 and take approximately ten months to complete. The proposal includes market rate luxury loft apartments, eighty nine units with 145 bedrooms will be constructed with amenities to include a fitness center, lounge, laundry and tenant storage areas. In addition to the comprehensive restoration of the exterior all new windows and the re-pointing/cleaning of the brick will be installed and completed.

As a result of this Environmental Review, the Lead Agency has determined the undertaking of this action will not have a significant adverse impact on the quality of the environment. No further environmental review of this action will be conducted prior to project implementation and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: The facts and reasons for this decision are as follows: the restoration of the Bethune Hall Building will bring a needed sense of stability to this section of Main Street as well as preserve an important building and its architectural history for future generations to enjoy. New employment opportunities will be created during and after the rehabilitation providing much need jobs to area residents. The identified potential negative impacts appear to be primarily short-term site preparation and construction related activities, and do not appear to be significant in magnitude or effect. There are no actions, which will have a significant adverse impact on the environment.

For further information relative to this Negative Declaration, contact Mr. Martin Grunzweig, Land Use Controls Coordinator, Room 901 City Hall, Buffalo New York 14202 – (716) 851-5085.

Dated: March 1, 2011

CC: City Clerk
City of Buffalo Economic Development, Permits and Inspections
City of Buffalo Public Works, Parks & Streets
NYS Office of Parks, Recreation and Historic Preservation
Buffalo Preservation Board
Environmental Notice Bulletin

RECEIVED AND FILED

FROM THE OFFICE OF STRATEGIC PLANNING

1 (Rev. 1/93) COMMUNICATION TO THE COMMON COUNCIL

TO: COMMON COUNCIL:

DATE: 3/3/11

FROM : DEPARTMENT: Strategic Planning

SUBJECT: CONTRACT WITH EMPIRE STATE DEVELOPMENT CORPORATION FOR \$2,000,000
RESTORE III GRANT FOR RENOVATION COSTS AT THE AVANT ("AVANT" OR
THE "BUILDING") (FORMERLY THADDEUS J. DULSKI BUILDING).

PRIOR COUNCIL REFERENCE:**TEXT: (TYPE SINGLE SPACE BELOW)**

The City of Buffalo applied for and obtained grant funding commitments from Empire State Development Corporation as part of the RESTORE III program for a portion of renovation costs at the now completed Avant Building.

The Building, constructed in 1971 as a fifteen-story federal office building in the heart of the City's downtown government and business district, was closed in 2005 due, in part, to asbestos and PCB contamination.

UniQuest Delaware, LLC ("UniQuest"), a commercial real estate development company, converted the Building into a mixed-use 150 room full service hotel, 28 condominium units, and 128,000 square-feet of Class A office space.

The project involved the acquisition and complete renovation of the Building, including asbestos, PCB, and lead abatement removal; dismantlement of all interior walls and exterior concrete-panel façade; installation of a glass and metal exterior façade; installation of state-of-the-art plumbing, electrical, and HVAC elements; and interior reconstruction into hotel, condominium, and office space.

I am recommending that Your Honorable Body authorize the City to contract with the Empire State Development Corporation for the \$2,000,000 RESTORE III grant to benefit the AVANT Project.

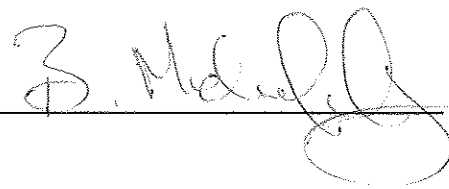
The Office of Strategic Planning is requesting that your Honorable Body hereby:

1. Ratify and confirm the prior application materials submitted to obtain the above referenced grant funding commitment;
2. Authorize the Mayor to execute the necessary grant funding agreements (in substantially the form attached hereto) and related documentation as shall be required or useful in facilitating the City of Buffalo's receipt and utilization of the grant funding; and
3. Authorize the Mayor and other city personnel to take all other steps and to enter into and execute such agreements and such further related project documentation and arrangements (including but not limited to a guarantee agreement between the City of Buffalo and a sister entity of UniQuest with sufficient financial means as determined by the City Comptroller's Office) as are appropriate and/or necessary to facilitate and implement the City's receipt, utilization, and disbursement of the grant funding as well as all related reporting, monitoring and follow-up functions associated with the grant funding.

TYPE DEPARTMENT HEAD NAME: Brendan Mehaffy

TYPE TITLE: Executive Director, Office of Strategic Planning

SIGNATURE OF DIVISION OR DEPARTMENT HEAD



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**DRAFT 10/27/10
CAPITAL GRANT**

This **GRANT DISBURSEMENT AGREEMENT** includes all exhibits and attachments hereto and is made on the terms and by the parties listed below and relates to the Project described below:

NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION ("ESDC"):	95 Perry Street, Suite 500 Buffalo, New York 14203-3030 Contact: Jean Bly Phone: 716-846-8243 Fax: 716-846-8260 E-mail: jbly@empire.state.ny.us
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THE GRANTEE:	City of Buffalo 913 City Hall Buffalo, NY 14202-3376 Contact: Michael Breen, Communications Manager Buffalo Urban Renewal Agency Phone: 716-851-5468 Fax: 716-842-6942 E-mail: mbreen@ch.ci.buffalo.ny.us Federal Taxpayer ID#: 93-200687
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THE BENEFICIARY:	UniQuest Delaware, LLC 100 Corporate Parkway, Suite 500 Amherst, NY 14226 Contact: Peter A. Sayadoff, Director of Finance Phone: 716-834-5000 ext. 514 Fax: 716-834-5034 E-mail: PSayadoff@Uniland.com
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PROJECT NAME:	Buffalo-RESTORE III-Commercial & Mixed Use Center – Avant
PROJECT LOCATION:	200 Delaware Avenue, Buffalo
PROJECT NUMBER:	W848
GRANT AMOUNT:	\$2,000,000
FUNDING SOURCE:	Restore NY Communities, FY 2008-09

ESDC APPROVAL DATE:	December 18, 2009
PACB APPROVAL DATE:	January 20, 2010
EXPIRATION DATE:	December 31, 2015

TERMS AND CONDITIONS

1. The Project

The Grantee shall:

- (a) complete the project as set forth in the ESDC General Project Plan attached hereto as Exhibit A (the "Project").
- (b) comply with the design and construction requirements attached hereto as Exhibit B.

2. Employment Goals & Reporting

- (a) The Grantee represents and warrants that it currently employs not less than the Baseline Employment (as hereinafter defined) set forth in Exhibit C to this Agreement and that it shall (i) achieve the employment goals as set forth in Exhibit C by retaining existing or hiring new Full-time Permanent Employees or (ii) repay a portion of the Grant as set forth in Exhibit C.
- (b) For purposes of this Agreement, a Full-time Permanent Employee shall mean (i) a full-time, permanent, private-sector employee on the Grantee's payroll, who has worked at the Project Location for a minimum of thirty-five hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by Grantee to other employees with comparable rank and duties; or (ii) two part-time, permanent, private-sector employees on Grantee's payroll, who have worked at the Project Location for a combined minimum of thirty-five hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by Grantee to other employees with comparable rank and duties. Baseline Employment shall mean the number of Full-time Permanent Employees set forth in Exhibit C.
- (c) Grantee shall submit, by February 1 of each year during the term of this Agreement, the Employment Reporting Form attached hereto as Exhibit H, indicating the average number of Grantee's Full-time Permanent Employees for the 12 month period ending as of December 31 of the prior year. Full-time Permanent Employee Count, for each calendar year during the term of this Agreement, shall mean the greater of (i) the average number of Full-time Permanent Employees for the prior calendar year, computed by adding the number of Full-time Permanent Employees as of the Grantee's last payroll date in the months of March, June, September and December and dividing that sum by 4, or (ii) the number of Full-time Permanent Employees as of the Grantee's last payroll date in December of such year.

3. Conditions Precedent to Disbursement of the Grant

No grant funds shall be disbursed unless the Grantee is in compliance with the Terms and Conditions of this Agreement, including, but not limited to, Exhibit E (Disbursement Terms), and the following conditions have been satisfied (and as to 3(d) and 3(e) below continue to be satisfied prior to each disbursement):

- (a) If the Grant Amount exceeds \$100,000, or if, as described in Exhibit A, it is expected that there will be additional grants that in the aggregate exceed \$100,000, ESDC has received an opinion of Grantee's counsel, in substantially the form appended to this Agreement as Exhibit D.
- (b) Any necessary approval has been issued by the Director of the Budget of the State of New York, and the Grant funds have been received by ESDC.
- (c) ESDC has received a commitment fee, plus out-of-pocket expenses incurred by ESDC in the making of the Grant, if any, as set forth in Exhibit E.
- (d) There has been no material adverse change in the financial condition of the Grantee since the date of submission of its application to ESDC.
- (e) The Grantee employs at least the Baseline Employment as evidenced by the Employment Reporting Form attached hereto as Exhibit H.

4. Disbursement and Recapture Terms

Subject to the terms and conditions contained in this Agreement, ESDC shall disburse the Grant to the Grantee as follows:

- (a) ESDC shall reimburse the Grantee for Project expenditures incurred by the Grantee as set forth in Exhibit E to this Agreement. Disbursements will be made upon submittal to ESDC of a Payment Requisition Form, together with such supporting documentation as ESDC may require, in the form attached to this Agreement as Exhibit F and its attachments, and Exhibit H.
- (b) In no event will ESDC make any payment which would cause ESDC's aggregate disbursements to exceed the Grant Amount.
- (c) The Grant, or a portion thereof, may be subject to recapture by ESDC as provided in Exhibit C.

5. Non Discrimination and Affirmative Action

The Grantee will comply with ESDC's Non-Discrimination and Affirmative Action policies set forth in Exhibit G to this Agreement.

6. No Liability of ESDC

ESDC shall not in any event whatsoever be liable for any injury or damage, cost or expense of any nature whatsoever that occurs as a result of or in any way in connection with the Project and the Grantee hereby agrees to indemnify and hold harmless ESDC, the State and their respective agents, officers, employees and directors (collectively, the "Indemnitees") from and against any and all such liability other than that caused by the gross negligence or the willful misconduct of the Indemnitees.

7. Representations, Warranties and Covenants

The Grantee represents, warrants and covenants that:

- (a) It has full power and authority to execute and deliver this Agreement and to perform its obligations hereunder.
- (b) This Agreement was duly authorized, executed and delivered by the Grantee and is binding and enforceable against the Grantee in accordance with its terms.
- (c) It is a duly organized corporation, validly existing and in good standing under the laws of the State of its incorporation, has the corporate power and authority to own its assets and to transact the business in which it is now engaged or proposed to be engaged and is duly qualified as a foreign corporation and in good standing under the laws of each other jurisdiction in which such qualification is required and shall maintain its corporate existence in good standing in each such jurisdiction.
- (d) There are no actions, suits or proceedings or, to the knowledge of Grantee, threatened against, or affecting Grantee before any court, governmental entity or arbitrator, which may, in any one case or in the aggregate, materially adversely affect the financial condition, operations, properties or business of the Grantee, except as may have been disclosed in writing to ESDC.
- (e) Grantee is in compliance and shall continue to comply in all material respects with all material applicable laws, rules, regulations and orders.
- (f) The information contained in the application submitted by the Grantee in connection with the project and the Grant, as such application may have been amended or supplemented (the "Application"), is incorporated herein by reference in its entirety. In the event of an inconsistency between the descriptions, conditions, and terms of this Agreement and those contained in the Application, the provisions of this Agreement shall govern. The Grantee hereby acknowledges that ESDC has relied on the statements and representations made by the Grantee in the Application in making the Grant. The Grantee hereby represents and warrants that it has made no material misstatement or omission of fact in the Application or otherwise in connection with the Grant and, except as otherwise disclosed in writing to ESDC, there has been no adverse material change in the financial condition of Grantee from the date of submission

of the Application to the date hereof and that all other the information contained in the Application continues on the date hereof to be materially correct and complete.

- (g) The Grantee covenants that it will neither hold itself out as, nor claim to be an officer, employee, agent or representative of ESDC or the State by reason hereof, and that it will not by reason thereof, make any claim, demand or application for any right or privilege applicable to an officer, employee, agent or representative of ESDC or the State, including without limitation, worker's compensation coverage, unemployment insurance benefits, social security coverage or retirement membership or credit.
- (h) Neither the Grantee nor any of the members of its Board of Directors or other governing body or its employees have given anything of value to influence any official act or the judgment of any person in the award of the Grant or the performance of any of the terms of this Agreement.
- (i) It shall maintain business operations at the Project Location for the term of this Agreement.
- (j) The Grant shall be used solely for Project expenses in accordance with the terms and conditions of this Agreement.
- (k) The Grantee is solely responsible and has sufficient funding for all Project costs in excess of the Grant.
- (l) Grantee will use ESDC grant funds, and submit payment requisitions, exclusively for eligible expenses related to capital works or purposes in accordance with IRS rules and regulations relating to ESDC's bonds and in accordance with the New York Debt Reform Act. Grantee acknowledges that grant funds must be used solely for authorized capital purposes and not for operating expenses or other working capital items or non-capital purposes, irrespective of whether the funds are still used for the benefit of the Project. Grantee acknowledges that the consequences of breaching this covenant could result in violations of state law and/or large bond issuances being treated as taxable instead of tax exempt for federal and state tax purposes, loss of certain federal subsidies to the state, adverse ratings changes for such bonds, and disproportionate negative financial consequences to the state and bondholders. Grantee recognizes its financial obligations, risks and liabilities for breach of this covenant. ESDC may, from time to time, request information from Grantee to confirm its compliance with this covenant and Grantee acknowledges its obligation under Section 8 (a) (ii) of the GDA to provide information upon request to ESDC.

8. Default and Remedies

- (a) Each of the following shall constitute a default by the Grantee under this Agreement:
- (i) Failure to perform or observe any obligation or covenant of the Grantee contained herein, other than an employment default as set forth in (iv) below, to the reasonable satisfaction of ESDC and within the time frames established under this Agreement.
 - (ii) Failure to comply with any request for information reasonably made by ESDC to determine compliance by the Grantee with the terms of this Agreement or otherwise reasonably requested by ESDC in connection with the Grant.
 - (iii) The making by the Grantee of any false statement or the omission by the Grantee to state any material fact in or in connection with this Agreement or the Grant.
 - (iv) Failure of the Grantee, for any time period, to meet the minimum employment goals required by Exhibit C.
 - (v) A default beyond any applicable grace period by the Grantee, or any entity which Grantee directly or indirectly controls, is controlled by, or is under common control with, under any other agreement with ESDC.
 - (vi) Any manifestation, on the part of the Grantee, of an intention either: (x) to terminate and/or (y) to restructure, under the terms of any bankruptcy or insolvency statute or law, its business at the Project Location. This includes, without limitation, the announced or actual cessation of business activities at the Project Location, the initiation of proceedings under any dissolution statute, or the execution of an assignment for the benefit of creditors, or the solicitation of any composition and/or arrangement with creditors, or the issuance of "closing" or "termination" notices to employees under any state or federal statute, or the filing of any voluntary petition under any chapter of the United States Bankruptcy Code, or the failure by the Grantee to obtain the dismissal, within sixty (60) days of filing, of any involuntary proceeding brought under any chapter of the United States Bankruptcy Code.
 - (vii) If the number of the Grantee's Full-Time Permanent Employees, as that term is defined in this Agreement, that are situated at the Project Location as of the Grantee's last payroll date on or prior to the end of any quarter (with the quarters being those the quarterly dates of March 31, June 30, September 30 and December 31, as set forth in the Report of Employment that is annexed as Exhibit H to this Agreement) is less than fifty percent (50%) of the number of Full Time-Permanent

Employees, situated at the Project Location, required in accordance with the Employment Goals that are to be achieved as of the next Reporting Date, as specified in Exhibit C.

- (b) Upon the serving of notice to the Grantee of the occurrence of a default (which notice shall specify the nature of the default), ESDC shall have the right to terminate this Agreement, provided however, that if the default is pursuant to paragraph 8(a)(i) or 8(a)(ii), no default shall be deemed to have occurred if Grantee cures such default within ten (10) days of notice of default from ESDC, or if the default pursuant to paragraph 8(a)(i) or 8(a)(ii) cannot be reasonably cured within such ten day period, Grantee commences to cure such default within the ten day cure period and cures the default within ninety (90) days thereafter, provided further that ESDC shall not be obligated to make any disbursements during any such cure period. Defaults occurring under the terms and provisions of paragraph 8(a)(iii), 8(a)(iv), 8(a)(v), 8(a)(vi) and 8(a)(vii) are not subject to the cure provisions provided herein.
- (c) Upon termination of this Agreement, ESDC may (i) withhold any Grant proceeds not yet disbursed and (ii) require repayment of Grant proceeds disbursed to the Grantee in accordance with Exhibit C of this Agreement. Notwithstanding the foregoing, if ESDC determines that any Grant proceeds had previously been released based upon fraudulent representations or other willful misconduct, ESDC may require repayment of all funds and may refer the matter to the appropriate authorities for prosecution. ESDC shall be entitled to exercise any other rights and seek any other remedies provided by law.

9. Term

The term of this Agreement shall commence on the date hereof and expire on the Expiration Date, as set forth on the first page of this Agreement.

10. Books and Records; Project Audit

- (a) The Grantee will maintain accurate books and records concerning the project for the term of this Agreement and for three (3) years from the expiration or earlier termination of this Agreement and will make those books and records available to ESDC, its agents, officers and employees during Grantee's business hours upon reasonable request.
- (b) ESDC shall have the right, upon reasonable notice, to conduct, or cause to be conducted, one or more audits, including field inspections, of the Grantee to assure that the Grantee is in compliance with this Agreement. This right to audit shall continue for three (3) years following the expiration or earlier termination of this Agreement.

11. Survival of Provisions

The provisions of Sections 6, 8 and 10 shall survive the expiration or earlier termination of this Agreement. It is, moreover, specifically agreed and understood that ESDC may commence an action for any claim arising from or relating to those sections notwithstanding any expiration and/or earlier termination of the Agreement and that the termination or expiration shall not alter or effect any obligations or responsibilities of the Grantee that are required to be performed under any portion of this Agreement (including, but specifically not limited to, those that are set forth in Sections 6, 8 and 10) following termination or the Expiration Date.

12. Notices

- (a) All notices, demands, requests or other communications permitted or required hereunder shall be in writing and shall be transmitted either:
- (i) via certified or registered United States mail, return receipt requested;
 - (ii) by facsimile transmission;
 - (iii) by personal delivery;
 - (iv) by expedited delivery service; or
 - (v) by e-mail.

Such notices shall be addressed as follows or to such different addresses as the parties may from time-to-time designate:

Empire State Development Corporation

Name: Jean Bly
 Title: Project Manager
 Address: 95 Perry Street, Suite 500, Buffalo NY 14203-3030
 Telephone Number: 716-846-8243
 Facsimile Number: 716-846-8260
 E-Mail Address: jbly@empire.state.ny.us

With a copy to:

Title: General Counsel
 Address: 633 Third Avenue, 34th Floor, New York, NY 10017
 Telephone Number: (212) 803-3750
 Facsimile Number: (212) 803-3975
 E-Mail Address: alaremont@empire.state.ny.us

City of Buffalo

Name: Michael Breen
 Title: Communications Manager, Buffalo Urban Renewal Agency
 Address: 913 City Hall, Buffalo, NY 14202-3376
 Telephone Number: 716-851-5468
 Facsimile Number: 716-842-6942
 E-Mail Address: mbreen@ch.ci.buffalo.ny.us

- (b) Any such notice shall be deemed to have been given either at the time of personal delivery or, in the case of expedited delivery service or certified or registered United States mail, as of the date of mailing to the address provided herein, or in the case of facsimile transmission or email, upon receipt of a record, by the sender, that such a transmission has been completed.
- (c) The parties may, from time to time, specify any new or different address in the United States as their address for purpose of receiving notice under this Agreement by giving fifteen (15) days written notice to the other party sent in accordance herewith. The parties agree to mutually designate individuals as their respective representatives for the purposes of receiving notices under this Agreement. Additional individuals may be designated in writing by the parties for purposes of implementation and administration/billing, resolving issues and problems and/or for dispute resolution.

13. No Assignment

The Grantee may not assign or transfer this Agreement or any of its rights hereunder.

14. No Waiver

No waiver of any ESDC's rights arising under this Agreement, or any other source, can occur unless such waiver shall be in writing and signed by ESDC and such written document manifests a clear and unequivocal intent by ESDC to waive its contractual or other legal rights. The term "waiver" as used herein is a term of art as used in the legal profession. ESDC may not be estopped from asserting any of its legal rights, including but not limited to its rights under this agreement, unless ESDC has signed a written document that clearly and unequivocally states that the other party may detrimentally rely upon the terms of such written document. Absent such written document, there shall be no estoppel against ESDC and the other parties' alleged detrimental reliance shall be deemed to be unreasonable. The term "estoppel" is used herein is a term of art as used in the legal profession.

15. Modification

This Agreement may be modified only by a written instrument executed by the party against whom enforcement of such modification is sought.

16. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of New York. This Agreement shall be construed without the aid of any presumption or other rule of law regarding construction against the party drafting this Agreement or any part of it. In case any one or more of the provisions of this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such provision(s) had never been contained herein. In the event of a conflict between the Directors' materials attached

hereto as Exhibit A and any other term or condition of this Agreement, then the term or condition of this Agreement shall govern.

17. Confidentiality of Information

Information contained in reports made to ESDC or otherwise obtained by ESDC relating to trade secrets, operations and commercial or financial information, including but not limited to the nature, amount or source of income, profits, losses, financial condition, marketing plans, manufacturing processes, production costs, productivity rates, or customer lists, provided that such information is clearly marked "Confidential" by the Grantee, will be kept confidential by ESDC, to the extent such information is determined by ESDC to be exempt from public disclosure under the Freedom of Information Law and not otherwise required by law to be disclosed. Notwithstanding the foregoing, ESDC will not be liable for any information disclosed, in ESDC's sole discretion, pursuant to the Freedom of Information Law or other applicable law, or which ESDC is required to disclose pursuant to legal process.

18. Special Provisions

The Grantee shall comply with the special provisions, if any, set forth in Exhibit I.

19. Litigation Costs

The Grantee shall pay, in any action or proceeding that is commenced to enforce and/or involves the enforcement of the terms and conditions of this Agreement, all of ESDC's costs including, without limitation, ESDC's attorneys' fees. The Grantee shall also pay any and all of ESDC's collection costs including, without limitation, its attorneys' fees.

20. Waiver

The Grantee knowingly and expressly waives the right to a trial by jury and the right to interpose any counterclaims in any action brought by ESDC under the terms of this Agreement.

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This agreement is entered into as of the latest date written below:

NEW YORK STATE URBAN DEVELOPMENT CORPORATION
d/b/a EMPIRE STATE DEVELOPMENT CORPORATION

(Signature) Douglas Wehrle, Senior Vice President, Loans and Grants

(date)

City of Buffalo

DRAFT: do not sign this version

(Signature)

(Printed name and title)

(date)

Rev. 11/16/09

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ESDC CAPITAL GRANT DISBURSEMENT AGREEMENT

EXHIBITS

EXHIBIT A	General Project Plan
EXHIBIT B	Construction Requirements
EXHIBIT C	Recapture Terms
EXHIBIT D	Opinion of Counsel
EXHIBIT E	Disbursement Terms
EXHIBIT F	Payment Requisition Form
EXHIBIT F-1	Financial Condition Documentation
EXHIBIT F-2, F-2A	Project Cost & Completion Documentation
EXHIBIT G	Non-Discrimination and Affirmative Action Policy
EXHIBIT H	Employment Reporting Form
EXHIBIT I	Special Provisions

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EXHIBIT A: GENERAL PROJECT PLAN

See Materials Attached

EXHIBIT B: CONSTRUCTION REQUIREMENTS

Buffalo-RESTORE III-Commercial & Mixed Use Center – Avant, Project #W848

The following Unconditional Waiver and Release requirements shall be furnished to ESDC for approval for work performed and materials furnished in the form of Exhibit B-1, B-2, B-3, B-4, and B-5, as applicable.

- B-1 Certification of Work Performed
- B-2 Unconditional Waiver and Release – Architect
- B-3 Unconditional Waiver and Release – Engineer
- B-4 Unconditional Waiver and Release – Construction Manager
- B-5 Unconditional Waiver and Release – General Contractor

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CERTIFICATION OF WORK PERFORMED

	Name of Business or Individual	Total Expenses Incurred
Architect:		
Engineer:		
General Contractor:		
Construction Manager:		
Others (please specify):		
	TOTAL*:	

CERTIFICATION

Signature: _____ Date: _____

Print Name and Title: _____

Any false statement herein may cause the borrower or grantee to be in default under its grant disbursement agreement with ESDC.

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EXHIBIT B-2

**NEW YORK STATE URBAN DEVELOPMENT CORPORATION
D/B/A EMPIRE STATE DEVELOPMENT CORPORATION
UNCONDITIONAL WAIVER AND RELEASE**

The undersigned (the "Architect") has been paid and has received full payment for all services furnished by Architect and/or employees or others acting for Architect or claiming by, through or under Architect through

_____ to _____
(Date)

on the job of _____
(Owner)

located at _____
(Job Description)

Architect represents and warrants that Architect and all persons and entities acting for or claiming by, through or under Architect have fully performed and furnished all services to have been performed or furnished by Architect and/or any such other person and that there is not now due or owing any amount of money or wages to any party or entity in connection with this job or any part thereof. The Architect does hereby release for itself and any party or entity action for Architect or claiming by, through or under Architect, from any mechanic's liens, stop notice, bond right or claim of any nature whatsoever that the undersigned or any such other party has or may have with respect to the above referenced job.

The Architect further agrees to reimburse and does hold harmless and fully indemnify ESDC its successors and assigns for any losses or expenses should any such claim, lien, or right to a lien be asserted by the Architect or by any person or entity acting for or claiming by, through or under the Architect, including, without implied limitation, attorney's fees incurred in the defense thereof.

In addition, for and in consideration of the amounts and sums received, the undersigned hereby waives, releases and relinquishes any and all claims, rights or causes of action whatsoever arising out of or in the course of the work performed on the above-mentioned project, contract or event.

Date: _____
(Signature)

SEAL

(Company Name)

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EXHIBIT B-3

NEW YORK STATE URBAN DEVELOPMENT CORPORATION
D/B/A EMPIRE STATE DEVELOPMENT CORPORATION
UNCONDITIONAL WAIVER AND RELEASE

The undersigned (the "Engineer") has been paid and has received full payment for all services furnished by Engineer and/or employees or others acting for Engineer or claiming by, through or under Engineer through

_____ to _____
(Date)

on the job of _____
(Owner)

located at _____
(Job Description)

Engineer represents and warrants that Engineer and all persons and entities acting for or claiming by, through or under Engineer have fully performed and furnished all services to have been performed or furnished by Engineer and/or any such other person and that there is not now due or owing any amount of money or wages to any party or entity in connection with this job or any part thereof. The Engineer does hereby release for itself and any party or entity action for Engineer or claiming by, through or under Engineer, from any mechanic's liens, stop notice, bond right or claim of any nature whatsoever that the undersigned or any such other party has or may have with respect to the above referenced job.

The Engineer further agrees to reimburse and does hold harmless and fully indemnify ESDC its successors and assigns for any losses or expenses should any such claim, lien, or right to a lien be asserted by the Engineer or by any person or entity acting for or claiming by, through or under the Engineer, including, without implied limitation, attorney's fees incurred in the defense thereof.

In addition, for and in consideration of the amounts and sums received, the undersigned hereby waives, releases and relinquishes any and all claims, rights or causes of action whatsoever arising out of or in the course of the work performed on the above-mentioned project, contract or event.

Date: _____
(Signature)

SEAL

(Company Name)

EXHIBIT B-4

NEW YORK STATE URBAN DEVELOPMENT CORPORATION
D/B/A EMPIRE STATE DEVELOPMENT CORPORATION
UNCONDITIONAL WAIVER AND RELEASE

The undersigned (the "Construction Manager") has been paid and has received full payment for all labor, services, equipment or material furnished by Construction Manager and/or subcontractors, suppliers, material, men, laborers, employees or others acting for Construction Manager or claiming by, through or under Construction Manager through

_____ to _____
(Date)

on the job of _____
(Owner)

located at _____
(Job Description)

Construction Manager represents and warrants that Construction Manager and all persons and entities acting for or claiming by, through or under Construction Manager have fully performed and furnished all labor, services, equipment or material to have been performed or furnished by Construction Manager and/or any such other person and that there is not now due or owing any amount of money or wages to any party or entity in connection with this job or any part thereof. The Construction Manager does hereby release for itself and any party or entity action for Construction Manager or claiming by, through or under Construction Manager, from any mechanic's liens, stop notice, bond right or claim of any nature whatsoever that the undersigned or any such other party has or may have with respect to the above referenced job.

The Construction Manager further agrees to reimburse and does hold harmless and fully indemnify ESDC its successors and assigns for any losses or expenses should any such claim, lien, or right to a lien be asserted by the Construction Manager or by any person or entity acting for or claiming by, through or under the Construction Manager, including, without implied limitation, attorney's fees incurred in the defense thereof.

In addition, for and in consideration of the amounts and sums received, the undersigned hereby waives, releases and relinquishes any and all claims, rights or causes of action whatsoever arising out of or in the course of the work performed on the above-mentioned project, contract or event.

Date: _____
(Signature)

NOTORIZED

(Company Name)

EXHIBIT B-5

NEW YORK STATE URBAN DEVELOPMENT CORPORATION
D/B/A EMPIRE STATE DEVELOPMENT CORPORATION
UNCONDITIONAL WAIVER AND RELEASE

The undersigned (the "General Contractor") has been paid and has received full payment for all services furnished by General Contractor and/or employees or others acting for General Contractor or claiming by, through or under General Contractor through

_____ to _____
(Date)

on the job of _____
(Owner)

located at _____
(Job Description)

General Contractor represents and warrants that General Contractor and all persons and entities acting for or claiming by, through or under General Contractor have fully performed and furnished all services to have been performed or furnished by General Contractor and/or any such other person and that there is not now due or owing any amount of money or wages to any party or entity in connection with this job or any part thereof. The General Contractor does hereby release for itself and any party or entity action for General Contractor or claiming by, through or under General Contractor, from any mechanic's liens, stop notice, bond right or claim of any nature whatsoever that the undersigned or any such other party has or may have with respect to the above referenced job.

The General Contractor further agrees to reimburse and does hold harmless and fully indemnify ESDC its successors and assigns for any losses or expenses should any such claim, lien, or right to a lien be asserted by the General Contractor or by any person or entity acting for or claiming by, through or under the General Contractor, including, without implied limitation, attorney's fees incurred in the defense thereof.

In addition, for and in consideration of the amounts and sums received, the undersigned hereby waives, releases and relinquishes any and all claims, rights or causes of action whatsoever arising out of or in the course of the work performed on the above-mentioned project, contract or event.

Date: _____
(Signature)

NOTARIZED

(Company Name)

EXHIBIT C: RECAPTURE TERMS

If the Grantee is not the owner of the Project, then the Grantee shall prohibit, for five years from the date of the initial disbursement of Grant funds, any transfer of the Project in whole or in part, by sale, lease, or conveyance of any interest in or with respect to the Project except (a) transfers of minor interests in the Project site, such as utility easements and limited rights-of-way, and (b)(i) the arms-length basis sale or lease of individual condominium units in the ordinary course of business for a condominium development and (ii) the arms-length basis residential or commercial lease in the ordinary course of business for a commercial, residential, or mixed-use rental development. In the event that such a prohibited transfer occurs within such five-year period, the Grantee shall pay to ESDC, promptly upon ESDC's written demand therefor, the applicable amount (the "Recapture Amount") indicated below.

The Recapture Amount is based on the time that has lapsed between when the Grant funds were disbursed and when the transfer occurred. The Recapture Amount shall be calculated by aggregating the Recapture Amount for each disbursement of the Grant, which in each instance shall be equal to:

- (i) 100% of the disbursed amount if the transfer occurred in the calendar year that the disbursement was made, or in the first full calendar year after the disbursement was made;
- (ii) 80% of the disbursed amount if the transfer occurred in the second full calendar year after the disbursement was made;
- (iii) 60% of the disbursed amount if the transfer occurred in the third full calendar year after the disbursement was made;
- (iv) 40% of the disbursed amount if the transfer occurred in the fourth full calendar year after the disbursement was made;
- (v) 20% of the disbursed amount if the transfer occurred in the fifth full calendar year after the disbursement was made.

EXHIBIT D: OPINION OF COUNSEL

[Letterhead of Counsel to the Grantee]

[Date]

Empire State Development Corporation
95 Perry Street, Suite 500
Buffalo, New York 14203-3030

Attn: Jean Bly

Re: Buffalo-RESTORE III-Commercial & Mixed Use Center – Avant, Project #W848

Ladies and Gentlemen:

We have acted as special counsel to City of Buffalo, a municipality (the “Grantee”), in connection with the execution and delivery of the Grant Disbursement Agreement dated [Date of Agreement] (the “Agreement”) between New York State Urban Development Corporation d/b/a Empire State Development Corporation (“ESDC”) and the Grantee.

This opinion letter is being furnished to you at our client’s request pursuant to Section 3(a) of the Agreement. Capitalized terms used but not defined herein shall have the meanings assigned thereto in the Agreement.

In rendering the opinions set forth herein, we have examined originals, or copies certified or otherwise identified to our satisfaction, of such documents, corporate records and other instruments as we have deemed necessary or appropriate for the purposes of this opinion letter, including (a) the Agreement, (b) the certificate of incorporation of the Grantee and (c) the by-laws of the Grantee. We have also examined and relied upon such other matters of law, documents, certificates of public officials and representations of officers and other representatives of the Grantee as we have deemed relevant, appropriate or necessary to the rendering of our opinions.

In rendering the opinions expressed below, we have assumed the legal capacity of all natural persons signing documents and that the signatures of persons signing all documents in connection with which this opinion letter is rendered are genuine, all documents submitted to us as originals or duplicate originals are authentic and all documents submitted to us as copies, whether certified or not, conform to authentic original documents. Additionally, we have assumed and relied upon the accuracy and completeness of all certificates and other statements, documents, records, financial statements and papers reviewed by us, and the accuracy and completeness of all representations, warranties, confirmations, schedules and exhibits contained in the Agreement, with respect to the factual matters set forth therein.

As to any facts material to the opinions expressed herein that we did not independently establish or verify, we have relied upon oral or written statements and representations of officers and other representatives of the Grantee and of certain public officials. We have also assumed and relied upon the accuracy and completeness of all certificates and other statements, representations, documents, records, financial statements and papers reviewed by us, and the

accuracy and completeness of all representations, warranties and exhibits contained in the Agreement with respect to the factual matters set forth therein.

Based upon the foregoing and subject to the assumptions, qualifications and other matters set forth herein, we are of the opinion that:

1. The Grantee is validly existing and in good standing under the laws of the State of New York and has full power and authority to execute and deliver the Agreement and to perform its obligations thereunder.

2. The Agreement has been duly authorized, executed and delivered by the Grantee and (assuming its due authorization, execution and delivery by ESDC) is binding on and enforceable against the Grantee in accordance with its terms, subject to applicable bankruptcy, insolvency reorganization, arrangement, liquidation, moratorium, fraudulent conveyance or transfer and other similar laws relating to or affecting creditors' rights generally from time to time in effect and to general principles of equity (regardless of whether enforcement is sought in a proceeding in equity or at law), and except as rights under the Agreement to indemnity and contribution may be limited by federal or state laws.

We are admitted to practice in the State of New York and we express no opinion as to any matters governed by any laws other than the laws of the State of New York. The opinions expressed herein that are based on the laws of the State of New York are limited to the laws generally applicable in transactions of the type covered by the Agreement.

This opinion letter is for the benefit solely of ESDC and not for the benefit of any other person. We are opining herein only as of the date hereof and we undertake no, and disclaim any, obligation to advise you of any changes in any matter set forth herein, regardless of whether changes in such matters come to our attention after the date hereof. No attorney-client relationship exists or has existed with ESDC by reason of our preparation, execution and delivery of this opinion letter. By providing this opinion letter and permitting reliance hereon by you, we are not acting as your counsel and have not assumed any responsibility to advise you with respect to the adequacy of this opinion letter for your purposes. This opinion letter may not be relied upon by any other person or for any other purpose or used, circulated, quoted or otherwise referred to for any other purpose.

Very truly yours,

EXHIBIT E: DISBURSEMENT TERMS**Disbursement**

Upon compliance with the terms of this Agreement, and receipt of the fees as set forth below, ESDC shall disburse the Grant to the Grantee as follows:

Fees due:

Reimbursement for out-of-pocket expenses \$913.99

Up to \$2,000,000 will be disbursed to the Grantee upon completion of the project substantially as described in Exhibit A and documentation of project costs totaling \$80,298,211, provided Grantee is otherwise in compliance with the terms and conditions of this Agreement. Payment will be made upon presentation to ESDC of an invoice and such other documentation as ESDC may reasonably require, in the forms attached to this Agreement as Exhibits B and F and their attachments. Expenditures must be incurred on or after May 4, 2009 to be considered reimbursable project costs. Previously expended funds may be applied toward match requirements.

Wire Transfer Information:

If ESD assistance is \$50,000 or greater, please provide:

A letter from a financial officer of City of Buffalo certifying to the accuracy of the following information:

Bank Name: _____

ABA #: _____

Acct. Name: _____

Acct. #: _____

EXHIBIT F: CAPITAL GRANT PAYMENT REQUISITION FORM

Note to Grantee: **Do not re-type this form.** Fill in only the version included in the executed GDA.

Ms. Jean Bly, Project Manager
 Empire State Development Corporation
 95 Perry Street, Suite 500
 Buffalo, New York 14203-3030

RE: Buffalo-RESTORE III-Commercial & Mixed Use Center – Avant, Project #W848

Dear Ms. Bly:

Enclosed please find our request for payment/reimbursement, in the amount of \$ _____.

ESDC funds may be applied by Grantee in payment or reimbursement of the following costs:

Minimum Expense Incurred (per Exhibit E)		\$80,298,211			
Eligible Expenses	A: Actual Costs Incurred (this request)	B: ESDC Share (this request)	C: Cumulative Amount Previously Received from ESDC	D: Grant Amount (Cumulative if multi-year grant)	E: (D-C-B) Grant Balance Remaining
Building Renovations				\$2,000,000	
TOTAL				\$2,000,000	

CERTIFICATION

I hereby warrant and represent to the Empire State Development Corporation ("ESDC") that:

- 1) To the best of my knowledge, information and belief, the expenditures for which City of Buffalo is seeking payment and/or reimbursement comply with the requirements of the Agreement between ESDC and City of Buffalo, are eligible expenses, and that the payment and/or reimbursement of expenditures for which it is seeking payment and/or reimbursement from ESDC does not duplicate reimbursement or disbursement of costs and/or expenses from any other source. These findings will be subject to audit by ESDC's Internal Audit Department
- 2) I have the authority to submit this invoice on behalf of City of Buffalo. The project, or portion thereof for which this invoice relates, has been completed in the manner outlined in the Agreement.
- 3) I hereby attach the following documents for ESDC approval, in support of this requisition:
 - ___ Exhibit B: ESDC Construction Requirements (required with every payment request)
 - ___ Exhibit F-2: Project Cost & Completion Affidavit (required with every payment request)
- 4) There has been no adverse material change in the financial condition of the Grantee, except as disclosed in writing to ESDC, from the date of submission of the Application to the date hereof.

Signature: _____ Date: _____

Print Name: _____ Title: _____

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EXHIBIT F-1: FINANCIAL CONDITION DOCUMENTATION

Intentionally Deleted

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NEW YORK STATE URBAN DEVELOPMENT CORPORATION
d/b/a EMPIRE STATE DEVELOPMENT CORPORATION
Buffalo-RESTORE III-Commercial & Mixed Use Center – Avant, Project Number W848

EXHIBIT F-2
PROJECT COST & COMPLETION AFFIDAVIT

STATE OF NEW YORK)
) ss.:
COUNTY OF)

The Undersigned, being duly sworn, deposes and says:

1. I, _____, am the
_____ of _____ (the "Municipality"), a city that is duly organized
and validly existing under the laws of the State of New York.

2. I have read and know the contents of a certain Grant Disbursement Agreement (the "Agreement")
executed by and between New York State Urban Development Corporation d/b/a Empire State Development Corporation
("ESD") and the Municipality dated the ____ day of _____, 20__.

3. After having read and reviewed the Agreement, invoices and payments relating thereto, statements of
cost and equity, and such other documents as I consider necessary to render the certifications contained herein, I do
certify, both individually and on the Municipality's behalf, that the costs for the project were incurred in the manner set
forth in the Agreement and the total cost of the project was equal to or greater than
_____ Dollars (\$_____). This amount includes the Municipality's match portion that is equal
to or greater than ten percent of the total grant amount (\$2,000,000) in the form of
_____ [for example: municipal equity, project location owner's equity,
federal/state/local grants (name the grants), etc.].

4. I certify that that there are no liens or claims established with respect to the proceeds of this grant.

5. I further certify that this project is substantially completed as described in the General Project Plan in
Exhibit A.

6. I make this affidavit and the certifications contained herein to induce ESD to disburse the grant under
the terms of the Agreement, knowing that ESD will rely on the statements contained herein. I am aware that the swearing
of a false oath is a Class A misdemeanor and may be a Class E felony.

Signature

Subscribed and sworn to before me
this _____ day of _____, 20__

Notary Public

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q^o

Exhibit F-2A
Documentation of Project Costs
Project Cost Summary for ESDC-Eligible Expenses

Intentionally Deleted

EXHIBIT G: NON-DISCRIMINATION AND AFFIRMATIVE ACTION POLICY

It is the policy of the State of New York and ESDC, to comply with all federal, State and local law, policy, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action to ensure that Minority and Women-owned Business Enterprises (M/WBEs), Minority Group Members and women share in the economic opportunities generated by ESDC's participation in projects or initiatives, and/or the use of ESDC funds. The recipient of State funds represents that its equal employment opportunity policy statement incorporates, at a minimum, the policies and practices set forth below:

- 1) Grantee shall (i) not unlawfully discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and (ii) undertake or continue existing programs of affirmative action to ensure that Minority Group Members and women are afforded equal employment opportunities. Such action shall be taken with reference to, but not limited to, solicitations or advertisements for employment, recruitment, job assignment, promotion, upgrading, demotion, transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training or retraining, including apprenticeship and on-the-job training.
- 2) Grantee represents and warrants that, for the duration of the Agreement, it shall furnish all information and reports required by the ESDC Affirmative Action Unit and shall permit access to its books and records by ESDC, or its designee, for the purpose of ascertaining compliance with provisions hereof.

NON-DISCRIMINATION AND AFFIRMATIVE ACTION DEFINITIONS**Affirmative Action**

Shall mean the actions to be undertaken by the Borrower, Grantee and any Contracting Party in connection with any project or initiative to ensure non-discrimination and Minority/Women-owned Business Enterprise and minority/female workforce participation.

Minority Business Enterprise ("MBE")

Shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is: (i) at least fifty-one percent (51%) owned by one or more Minority Group Members; (ii) an enterprise in which such minority ownership is real, substantial and continuing; (iii) an enterprise in which such minority ownership has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; (iv) an enterprise authorized to do business in the State of New York and is independently owned and operated; and (v) an enterprise certified by New York State as a minority business.

Minority Group Member

Shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups: (i) Black persons having origins in any of the Black African racial groups; (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin, regardless of race; (iii) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands; and (iv) Native American or Alaskan native persons having origins in any of the original peoples of North America.

Women-owned Business Enterprise ("WBE")

Shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is: (i) at least fifty-one percent (51%) owned by one or more citizens or permanent resident aliens who are women; (ii) an enterprise in which the ownership interest of such women is real, substantial and continuing; (iii) an enterprise in which such women ownership has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; (iv) an enterprise authorized to do business in the State of New York and is independently owned and operated; and (v) an enterprise certified by New York State as woman-owned.

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EXHIBIT H: REPORT OF EMPLOYMENT

Intentionally Deleted

EXHIBIT I: SPECIAL PROVISIONS

In the event of any conflict between Exhibit A of this Agreement and any other provisions of this Agreement, the terms of such other provisions shall govern.

With respect to private developers that are sub-grantees of the Grantee, transfers (a) between the private development entity and its principals, the members of a principal's immediate family, or an affiliate owned and controlled by a principal or (b) between an individual developer and such developer's immediate family members, or an affiliate owned and controlled by the individual developer, such transfers will not trigger the recapture provisions of Exhibit C, provided, however, that subsequent transfers by such persons to unrelated third parties (e.g., persons who are neither principals of the private development entity, members of a principal's or individual developer's immediate family, nor an affiliate owned and controlled by a principal or the individual developer) remain subject to the recapture requirements set forth in Exhibit C.

The following sections of the Terms and Conditions of this Agreement are waived: Section 2; Section 3(e); the reference to "Exhibit H" in Section 4(a); Section 7(i); Section 8(a)(iv), and Section 8(a)(vii)."

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B. Buffalo - RESTORE III – Commercial & Mixed Use Center (W848)

December 18, 2009

General Project Plan

Grantee: City of Buffalo (“Buffalo” or the “City”)

ESD Investment: A grant of up to \$2,000,000 to be used for a portion of renovation costs of Thaddeus J. Dulski Federal Office Building, now known as Avant (“Avant” or the “Building”).

Project Location: 200 Delaware Avenue, Buffalo, Erie County

NYS Empire Zone (or equivalent): Buffalo Empire Zone

Project Completion: July 2009

Grantee Contact: Sandra A. Miller, Director, Special Projects
Office of Strategic Planning
920 City Hall
Buffalo, NY 14202
Phone: (716) 851-5035 Fax: (716) 842-6942

Project Team:

Project Management	Jean Bly
Affirmative Action	Helen Daniels
Environmental	Soo Kang

Project Description:

Background

The City, incorporated in 1832, is located in Erie County in Western New York State. The City is approximately 41 square miles in area and its current population is approximately 280,000. At the turn of the twentieth century, Buffalo was the eighth most populous city and hosted the fifth largest economy in the United States. The City, which is located at the western terminus of the Erie Barge Canal, became known as the “Queen City” of the Great Lakes. It developed as a major transportation hub and contained a vibrant industrial base, which produced innovations in energy, chemicals and aeronautics. As a result of shifts in transportation trends and a decline of its industrial base, Buffalo’s population has decreased by over 50% since the 1950’s. Moreover, Buffalo suffers from high unemployment and poverty levels.

In January 2006, the City adopted a Comprehensive Plan (the “Plan”) to revitalize the City’s neighborhoods. The Plan, consisting of five Strategic Investment Areas in the City, includes the demolition and/or redevelopment of blighted properties to enable Buffalo to use these spaces for housing development, commercial development and land banking for future use.

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B. Buffalo - RESTORE III - Commercial & Mixed Use Center (W848)

December 18, 2009

Buffalo and UniQuest identified a need, which was consistent with the Plan, to renovate the vacant Building into a 150-room full service hotel, 28 condominium units and 128,000-square-feet of Class A office space. UniQuest Delaware, LLC ("UniQuest") was formed in 2006 as a joint venture partnership between two commercial real estate development companies, Uniland Development Company ("Uniland") and Acquest Development Company LLC ("Acquest"), for the sole purpose of acquiring and redeveloping the Building, located in the heart of the City's downtown government and business district. In 2008, Uniland purchased Acquest's interest in the Building.

Avant, constructed in 1971 as a federal office building, is a fifteen-story, 470,000-square-foot facility, which housed more than 2,000 employees from various federal governmental agencies until late 2005 when the Building was closed due to asbestos and PCB contamination. The City and UniQuest advised ESD that it lacked the financial resources to complete a Building renovation project. ESD Directors approved \$11 million in grants for UniQuest on July 23, 2009 to assist with renovation costs for the hotel, restaurant and office components of the project.

Previously, ESD Directors approved a \$3 million RESTORE I grant to Buffalo on March 15, 2007, which assisted the City with the demolition and site clearing of at least 208 single-family homes and one commercial property; a \$5,072,000 RESTORE II grant on April 17, 2008, to assist the City with the demolition and site clearing of up to 725 single-family homes; and a \$4,500,000 grant on July 17, 2008, to assist with interior and exterior building renovations to the former Trico Building on the Buffalo Niagara Medical Campus.

In September 2009, Buffalo received a \$14.32 million RESTORE III award, including \$7,635,526 for the demolition and site clearing of up to 472 single-family homes and 5 commercial structures and \$6,684,474 for commercial and mixed use urban center rehabilitation ("Commercial") projects. This request is for \$2 million of the Commercial allocation for Avant renovation. The remainder of RESTORE III funding will be brought before Directors at a later date.

The Project

The \$80,298,331 project involves the acquisition and complete renovation of the Building including asbestos, PCB, and lead abatement and removal; dismantlement of all interior walls and exterior concrete-panel facade to its structural-steel skeleton; installation of a glass and metal exterior facade; installation of state-of-the-art plumbing, electrical, and HVAC elements; and interior reconstruction into hotel, condominium and office space. The lower seven floors will be comprised of a 150-room Embassy Suite hotel (the "Hotel") featuring all-suite and upscale accommodations; 128,000-square-feet of Class A office space on the middle five floors with the Buffalo law firm of Damon & Morey LLP leasing floors eleven and twelve for a 15-year term; and high-end condominiums on the three upper floors, with dwellings prices ranging from \$400,000 to over \$1.5 million. The Building will also feature a restaurant on the ground floor; a two-story atrium/lobby; and terraces on the residential

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B. Buffalo - RESTORE III - Commercial & Mixed Use Center (W848)

December 18, 2009

floors. The Hotel will be operated by UniQuest Hospitality LLC, an affiliate of UniQuest.

UniQuest utilized the most efficient and environmentally-friendly materials and systems in the design and reconstruction of the Building. Approximately 6,343 tons of concrete exterior panels, 570 tons of interior concrete and brick, 200 tons of steel and heavy metal, and 10 tons of aluminum were removed from the Building and recycled; low reflectivity glass with high transparency and energy efficiency was utilized; state-of-the-art heating and cooling systems will use less electricity, natural gas and water and are expected to reduce air and waste water system emissions by 35%; and interior features were chosen with "green" goals in mind. Various certifications under LEED™ and Green Globe, among others, are currently under consideration. The project is financed by ESD's grants, loans from Wells Fargo Bank and New York State Energy Research and Development Authority and UniQuest equity.

UniQuest managed the project which was complete in July 2009. Damon & Morey LLC took occupancy in June 2009; the Hotel opened in July 2009; Capello Salon established operations in August 2009; and condominiums have entered the housing market.

Financing Uses	Amount	Financing Sources	Amount	Percent
Building Acquisition & Renovation Costs	\$73,634,296	ESD-RESTORE Grant (W848)	\$2,000,000	2.49%
		ESD-EDF Grant (V784)	4,200,000	5.23%
Soft Costs	6,664,035	ESD-EOF Grant (V806)	1,886,000	2.35%
		ESD-UCDP Grant (V785)	4,914,000	6.12%
		Wells Fargo Bank Loan*	50,000,000	62.27%
		NYSERDA Smart Loan**	1,000,000	1.25%
		Grantee Equity***	16,298,331	20.30%
Total Project Costs	\$80,298,331	Total Project Financing	\$80,298,331	100.00%

* LIBOR+250/30 mos w/two 12 mos extensions/1st on RE & M&E. Recorded mortgage is \$52.5 million.

Loan will be reduced by \$2.5 million when EDF, EOF and UCDP grant funds are disbursed.

**5.5%/10 yrs/2nd lien on other RE. 2nd mortgage in the amount of \$700,000 and assignment of rents and leases at 3356 Walden Avenue, Depew; and 2nd mortgage in the amount of \$300,000 and assignment of rents and leases at 6044 Main Street, Williamsville.

***Grantee Equity provided by UniQuest

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B. Buffalo - RESTORE III - Commercial & Mixed Use Center (W848)

December 18, 2009

Financial Terms and Conditions:

1. At the time of disbursement, the City will reimburse ESD for all out-of-pocket expenses incurred in connection with the project.
2. The City will be obligated to advise ESD of a materially adverse change in its financial condition prior to disbursement.
3. The City will ensure the contribution of at least a 10% match of the grant amount to the Project.
4. Up to \$2,000,000 will be disbursed to Grantee upon completion of the project substantially as described in these materials; documentation of project costs totaling \$80,298,211; and compliance with the Governor's protocol which requires that a labor peace agreement be in place, assuming that all project approvals have been completed and funds are available. Payment will be made upon presentation to ESD of an invoice and such other documentation as ESD may reasonably require. Expenditures must be incurred on or after May 4, 2009 to be considered reimbursable project costs. Previously expended funds may be applied toward match requirements retroactive to June 23, 2006, when the Restore New York Legislation was enacted.
5. ESD may reallocate the project funds to another form of assistance, at an amount no greater than \$2,000,000, for this project if ESD determines that the reallocation of the assistance would better serve the needs of the City and the State of New York. In no event shall the total amount of any assistance to be so reallocated exceed the total amount of assistance approved by the Directors.
6. If the Grantee is not the owner of the Project, then the Grantee shall prohibit, for five years from the date of the initial disbursement of Grant funds, any transfer of the Project in whole or in part, by sale, lease, or conveyance of any interest in or with respect to the Project except (a) transfers of minor interests in the Project site, such as utility easements and limited rights-of-way, and (b)(i) the arms-length basis sale or lease of individual condominium units in the ordinary course of business for a condominium development and (ii) the arms-length basis residential or commercial lease in the ordinary course of business for a commercial, residential, or mixed-use rental development. In the event that such a prohibited transfer occurs within such five-year period, the Grantee shall pay to ESD, promptly upon ESD's written demand therefor, the applicable amount indicated below

The Recapture Amount is based on the time that has lapsed between when the Grant funds were disbursed and when the transfer occurred. The Recapture Amount shall be calculated by aggregating the Recapture Amount for each disbursement of the Grant, which in each instance shall be equal to:

B. Buffalo - RESTORE III - Commercial & Mixed Use Center (W848)

December 18, 2009

- (i) 100% of the disbursed amount if the transfer occurred in the calendar year that the disbursement was made, or in the first full calendar year after the disbursement was made;
- (ii) 80% of the disbursed amount if the transfer occurred in the second full calendar year after the disbursement was made;
- (iii) 60% of the disbursed amount if the transfer occurred in the third full calendar year after the disbursement was made;
- (iv) 40% of the disbursed amount if the transfer occurred in the fourth full calendar year after the disbursement was made;
- (v) 20% of the disbursed amount if the transfer occurred in the fifth full calendar year after the disbursement was made.

Environmental Review:

The Directors made a Determination of No Significant Effect on the Environment for the project at their meeting of July 23, 2009. This determination addressed all aspects of the project. Therefore, no further environmental review is required in connection with this action.

Statutory Basis – Restore NY Communities:

Land Use Improvement Project Findings

1. The area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest sound growth and development of the municipality.
The project is located in a blighted neighborhood and involves the renovation of a significantly vacant commercial structure, which has been deemed by the City to arrest sound growth and development in the area.
2. The project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto.
The Plan includes the rehabilitation of commercial areas in the City's neighborhoods for re-use, allowing for a potential increase in the local tax base.
3. The plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole.
The City published a property assessment list and held a public hearing on the project at the time of application. UniQuest bid the project in accordance with local municipal laws.
4. The requirements of Section 10(g) of the Act are satisfied.
There are no families or individuals displaced from the project area.

December 18, 2009

Buffalo (Erie County) – Buffalo – RESTORE III – Commercial and Mixed Use Center –
Restore Communities 09-10 Capital Project – Determination of No Significant Effect on the
Environment

RESOLVED, that based on the material submitted to the Directors with respect to the Buffalo-
RESTORE III - Commercial and Mixed Use Center Project, the Corporation hereby determines that
the proposed action will not have a significant effect on the environment.

* * *

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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	*	*	*	*

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That the Common Council hereby authorizes the Mayor and such other city personnel to take all other steps and enter into and execute all agreements necessary to contract with the Empire State Development Corporation for the \$2,000,000.00 RES-DES III grant to benefit the AVANT Project as proscribed in the above ~~entitled~~ communication.

PASSED.

1 (Rev. 1/93) MULTIPLE PAGE COMMUNICATION TO THE COMMON COUNCIL 51

TO: THE COMMON COUNCIL: DATE: March 2, 2011

FROM : DEPARTMENT: Strategic Planning

DIVISION: Real Estate

SUBJECT: Lease Agreement – Northwest Buffalo Community Center, Inc., Munchkinland Day Care Center for use of 902-904 Tonawanda Street (North District)

PRIOR COUNCIL REFERENCE:

Ex. (Item No. xxx, C.C.P. xx/xx/xx)

TEXT: (TYPE SINGLE SPACE BELOW)

The Office of Strategic Planning, Division of Real Estate has received a request from Lawrence Pernick, Executive Director of the Northwest Buffalo Community Center requesting to renew the lease agreement for the Munchkinland Day Care Center to use of 902-904 Tonawanda Street.

The Northwest Buffalo Community Center, Inc., Munchkinland Day Care Center lease agreement expired on September 30, 2010. They are currently being treated as a month to month tenant under the terms and conditions of the expired lease.

The Munchkinland Day Care Center is a NYS Licensed Day Care Center which provides developmentally age appropriate activities to children between the ages of 6 months and 12 years. The activities are designed to meet the interests, needs and capabilities of each child and are implemented by a caring and qualified staff. In addition they also provide nutritionally sound meals and snacks. The hours and days of operation are Monday – Friday 7:15 a.m. – 6:16 p.m.

Their request for a lease was forwarded to the Department of Public Works, Parks and Streets, Audit and Control & the Department of Community Services and there were no objections. The Office of Strategic Planning is requesting Your Honorable Body to approve a three -year lease agreement commencing October 1, 2010 and terminating on September 30, 2013 all other terms and conditions of said lease agreement shall remain the same including but not limited to the following:

1. The annual rent shall be \$1.00.
 2. Lessee agrees to assume and pay all maintenance costs, including costs of heating, lighting, water and sewer rental charges against the leased premises and pay promptly as same shall become due.
 3. The Lessee will be responsible for the cost of the garbage user fee for the premises, if required.
 4. Lessee will hold the City harmless of and from any and all liability of whatever name and nature in amounts to be determined by the City Law Department.
 5. The lease may be cancelled at any time by either party by giving at least a 30 day notice in writing to the other.
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Multiple Page Communication to the Common Council
Page 2
March 2, 2011

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This office recommends that Your Honorable Body approve this lease agreement for a three (3) year period commencing on October 1, 2010 terminating on September 30, 2013. I am further recommending that Your Honorable Body authorize the Corporation Counsel to prepare the necessary documents for said lease agreement and that the Mayor be authorized to execute the same.


TYPE DEPARTMENT HEAD NAME:

John P. Hannon, Jr.

TYPE TITLE:

Director of Real Estate
Office of Strategic Planning

SIGNATURE OF DEPARTMENT HEAD:



JPH: plg

CLEASEmunchkinland

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Mr. Fontana moved:

That the above communication from the Director of Real Estate, Office of Strategic Planning, dated March 2, 2011, be received and filed; and

That the Acting Corporation Counsel be authorized to prepare and the Mayor be authorized to execute a three-year lease agreement between Northwest Buffalo Community Center, Inc., "Munchkinland Daycare Center," for the use of 902-904 Tonawanda Street for the period of October 1, 2010 through September 30, 2013 upon the terms and conditions contained in the above item and such other and further non-material terms and conditions as required by the Acting Corporation Counsel.

Passed

TAB:rmv

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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FROM THE COMPTROLLER

March 8, 2011

#1 (Rev. 1/93)

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: March 3, 2011

FROM: DEPARTMENT: Audit & ControlDIVISION: Comptroller

SUBJECT:

[: 2010-2011 Second Quarter
Gap Sheets Report

PRIOR COUNCIL REFERENCE: (IF ANY)

TEXT:

We have reviewed the Administration's 2010-2011 Second Quarter Gap Sheets Report (Gap Report) and are filing our review and summation as required under the City's Charter.

The Gap Report projects a \$1.28 million surplus for the current year ending June 30, 2011 based on projections for the period January 1, 2011 – June 30, 2011. The anticipated timing of certain receipts and certain expenditures are unknown to my office. As such, a historical analysis using past transactions was utilized to review the reasonableness of the projections as established by the Administration.

Specifically, the revenue items that are trending as exceptions from the adjusted budget are increases in utility revenue, offset by decreases in state aid (anticipated), sales tax, and Medicare part D. Expenditure items that are not on target with the budget are utilities, offset by positive variances to budget in personnel services, and services.

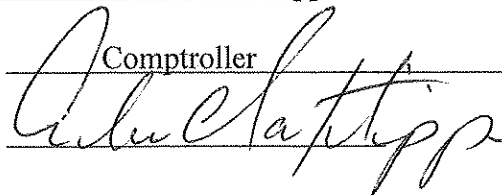
Based on our analysis of historical information, as applied to balances as reported as of and for the period from July 1, 2010 through December 31, 2010, there are certain revenues and expenditures where our trend analysis differs from what is reported in the Gap Report. Such trends, if they continue, will result in an operating deficit for the year ending June 30, 2010.

I understand that the timing of such transactions is based on future events and historical trends and while useful in performing a reasonableness test, is not necessarily a fair measure of what is expected to occur in the next six months. As such, our office will be performing a much more detailed analysis of the 3rd Quarter Gap Sheets report as this report will provide more complete data.

We caution you that changes may still occur over the next six months that could affect fund balance.

Department Head Name: Andrew A. SanFilippoTitle: Comptroller

Signature of Department Head:

REFERRED TO THE SPECIAL
COMMITTEE ON BUDGET

CERTIFICATE OF DETERMINATION BY THE COMPTROLLER
RELATIVE TO THE TERMS, FORM AND DETAILS OF SALE AND
ISSUANCE OF \$12,825,000 GENERAL IMPROVEMENT
REFUNDING SERIAL BONDS-2011A AND \$21,825,000 SCHOOL
REFUNDING SERIAL BONDS-2011B OF THE CITY OF BUFFALO,
NEW YORK, AGGREGATING \$34,650,000, OF THE CITY OF
BUFFALO, NEW YORK AND PROVIDING FOR THEIR PRIVATE
SALE.

I, ANDREW A. SANFILIPPO, Comptroller of the City of Buffalo (herein called the "City"), in the County of Erie, HEREBY CERTIFY that pursuant to the powers and duties delegated to me as the chief fiscal officer of the City pursuant to the Refunding Bond Resolution duly adopted and as set forth in Section 1 hereof and subject to the limitations prescribed in said resolution, I have made the following determinations:

1. (a) Authorization, Principal Amount, Maturity Schedule and Designation.

(a) The \$7,195,000 outstanding principal amount of General Improvement Serial Bonds-1999-A issued on February 25, 1999 and maturing in each of the years 2013-2018, inclusive; and the \$5,620,000 outstanding principal amount of General Improvement Serial Bonds-2001-A issued on May 3, 2001 and maturing in each of the years 2013-2021, inclusive; (said outstanding bonds referred to hereinafter as the "Prior General Improvement Bonds") issued pursuant to various bond resolutions adopted by the Common Council of the City on their respective dates, authorizing the issuance of serial bonds of said City for various purposes in and for the City, shall be refunded by the issuance of \$12,825,000 General Improvement Refunding Serial Bonds-2011A (the "2011A Bonds"), authorized pursuant to the Refunding Bond Resolution duly adopted by the Common Council of said City on November 30, 2010, (the "Resolution"), entitled:

"Refunding Bond Resolution of the City of Buffalo, New York, authorizing the refunding of all or a portion of various outstanding bonds of said City, stating the plan of financing, appropriating an amount not to exceed \$77,000,000 therefor,

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authorizing the issuance of \$77,000,000 Refunding Bonds of said City, or so much thereof as may be necessary, to finance said appropriation, and making certain determinations all relative thereto.”

(b) The \$4,825,000 outstanding principal amount of School Serial Bonds-2001-B issued on May 3, 2001 and maturing in each of the years 2013-2021, the inclusive; \$14,920,000 outstanding principal amount of School Serial Bonds-2001D issued on December 27, 2001 and maturing in each of the years 2012-2016, inclusive; and the \$2,240,000 outstanding principal amount of School Serial Bonds-2002-B issued on May 16, 2002 and maturing in the year 2016 (said outstanding bonds referred to hereinafter as the “Prior School Bonds”, together with the Prior General Improvement Bonds, the “Prior Bonds”) issued pursuant to various bond resolutions adopted by the Common Council of the City on their respective dates, authorizing the issuance of serial bonds of said City for various purposes in and for the City, shall be refunded by the issuance of \$21,825,000 School Refunding Serial Bonds-2011B (the “2011B Bonds”, together with the 2011A Bonds, the “Refunding Bonds” or the “Bonds”) authorized pursuant to refunding bond resolution referred to in the preceding paragraph.

(c) The 2011A Bonds shall mature on December 1 in the aggregate principal amounts and bear interest in each of the years at set forth below:

RECEIVED AND FILED

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<u>Maturity</u>	<u>Amount</u>	<u>Interest Rate</u>
2011	\$ 100,000	3.00%
2012	4,260,000	3.00
2013	4,280,000	4.00
2014	1,315,000	3.00
2015	1,320,000	3.00
2016	515,000	3.25
2017	505,000	3.50
2018	180,000	4.00
2019	175,000	4.00
2020	175,000	4.00

(d) The 2011B Bonds shall mature on December 1 in the aggregate principal amounts and bear interest in each of the years at set forth below:

<u>Maturity</u>	<u>Amount</u>	<u>Interest Rate</u>
2011	\$ 105,000	3.00%
2012	3,190,000	3.00
2013	3,300,000	4.00
2014	3,455,000	5.00
2015	3,635,000	5.00
2016	6,035,000	5.00
2017	490,000	4.00
2018	510,000	4.00
2019	545,000	4.00
2020	560,000	4.00

2. Present Value Savings. The present value savings to be realized through the refunding of the Prior Bonds is set forth in the final refunding financial plan attached hereto as Appendix A.

3 Issue Date. The Bonds shall be dated March 8, 2011. The date of each Bond shall appear on the face thereof following the caption "Date of Original Issue", and each Bond shall bear interest from such date.

4 Interest Rate, and Dates and Medium of Payment. The Bonds shall bear interest from their date at the rates per annum set forth in Section 1 hereof, payable June 1, 2011,

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December 1, 2011 and semi-annually thereafter on June 1 and December 1 in each year until maturity, payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Interest thereon shall be paid by wire transfer or in clearinghouse funds on each interest payment date, payable to the person in whose name the Bond is registered at his address shown upon the books of the City kept for that purpose at the offices of Manufacturers and Traders Trust Company, Buffalo, New York as fiscal agent (the "Fiscal Agent"), as of the close of business on the fifteenth day of the month preceding each interest payment date.

5. Bonds Subject to Optional Redemption. The Bonds will not be subject to redemption prior to maturity.

6. Bond Insurance. Payment of principal of and interest on the Bonds maturing in each of the years 2017 through 2020, inclusive, will be insured by a Municipal Bond Insurance Policy to be issued by Assured Guaranty Municipal Corp. (formerly known as Financial Security Assurance Inc.), ("AGM"), simultaneously with the delivery of the Bonds. The amount payable to AGM, as premium for the policy on the Bonds will be paid to AGM from the proceeds of the Bonds at the closing on March 8, 2011.

7. Denominations, Numbers and Letters. The Bonds maturing in each year shall be issued as fully registered bonds in denominations of \$5,000 or any integral multiple thereof. The General Improvement Refunding Bonds-2011A shall be lettered AR, and shall be numbered separately from one (1) consecutively upward in the order of their issuance. The School Refunding Serial Bonds-2011B shall be lettered BR, and shall be numbered separately from one (1) consecutively upward in order of their issuance. All of the Bonds shall be transferable and exchangeable as provided herein.

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8. Book Entry System. The Bonds when issued shall be (i) registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), and (ii) deposited with DTC to be held in trust until maturity. Only one Bond certificate will be initially issued for each maturity in the aggregate principal amount of such maturity. DTC is an automated depository for securities and clearinghouse for securities transactions, and will be responsible for establishing and maintaining a book-entry system for recording the ownership interests of its participants, which include certain banks, trust companies and securities dealers, and the transfers of the interests among its participants. The DTC participants will be responsible for establishing and maintaining records with respect to the beneficial ownership interests of individual purchasers in the Bonds. Individual purchases of beneficial ownership interests in the Bonds may only be made through book entries (without certificates issued by the City) made on the books and records of DTC (or a successor depository) and its participants, in the denominations of \$5,000 or integral multiples thereof. Beneficial owners of the Bonds will not receive certificates representing their interest in the Bonds. Principal of and interest on the Bonds will be payable by the City or its agent by wire transfer or in clearinghouse funds to DTC or its nominee as registered owner of the Bonds pursuant to the Blanket Letter of Representations dated August 15, 1995 between the City and DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The City will not be responsible or liable for payments by DTC to its participants or by DTC participants to beneficial owners or for maintaining, supervising or

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reviewing the records maintained by DTC, its participants or persons acting through such participants.

9. Discontinuance of Book Entry System. In the event that (a) DTC determines to discontinue providing its service with respect to the Bonds by giving notice to the City and discharging its responsibilities with respect thereto under applicable law, and the City fails to appoint a successor securities depository for the Bonds, or (b) the City determines to discontinue the system of book-entry transfers through DTC (or a successor securities depository), then bond certificates shall be delivered to the beneficial owners upon registration of the Bonds held in the beneficial owners name. After such registration the beneficial owners shall become the registered owners of the Bonds. In such event, the Comptroller of the City shall execute a Supplemental Certificate of Determination which will set forth the terms, form and details of issuance of such bond certificates.

10. Fiscal Agent. Manufacturers and Traders Trust Company, Buffalo, New York is hereby appointed as Fiscal Agent for the Bonds pursuant to, and to act in accordance with, applicable provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

11. Execution of Bonds. The Bonds shall be executed in the name of the City by the manual signature of the City Comptroller, and shall have the corporate seal of the City, or a facsimile thereof, affixed, imprinted, engraved or otherwise reproduced thereon.

12. Transfer of Bonds. Each Bond shall be transferable, only upon the books of the City, which shall be kept for such purpose at the office of the Fiscal Agent, by the registered owner thereof in person or by his attorney duly authorized in writing, upon surrender thereof together with a written instrument of transfer or exchange satisfactory to the Fiscal Agent

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duly executed by the registered owner or his duly authorized attorney. Upon transfer of any such Bond, the City shall issue in the name of the transferee or the registered owner a new Bond or Bonds of the same aggregate principal amount and maturity as the surrendered Bond. The Fiscal Agent may deem and treat the person in whose name any Bond shall be registered upon the books of the City as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Fiscal Agent shall be affected by any notice to the contrary.

13. Regulations With Respect to the Exchanges and Transfers. In all cases in which the privilege of exchanging or transferring Bonds is exercised, the City shall execute and deliver Bonds in accordance with the provisions hereof. All Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Fiscal Agent. For every such exchange or transfer of bonds, the Fiscal Agent may make a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, and may charge a sum sufficient to pay the cost of preparing each new bond issued upon such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The City shall not be obliged to make any such exchange or transfer of Bonds between the fifteenth day of the month preceding an interest payment date and such interest payment date.

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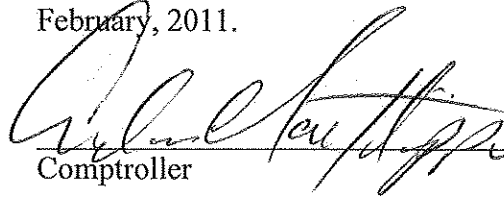
14. Sale of Bonds. The Bonds are hereby sold at private sale to Sterne, Agee & Leach, Inc., New York, New York, as Representative in the Purchase Contract dated February 16, 2011 between said Representative and the City, for the purchase price of \$36,282,087.30 to the date of delivery of and payment for the Bonds (March 8, 2011). The aggregate initial offering price for the Bonds will be \$36,438,677.55 plus said accrued interest. Pursuant to Section 90.10 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws for the State of New York, as amended, the terms and conditions of such sale are subject to the approval of the State Comptroller. Delivery of the Bonds to the purchasers thereof shall be effected on or about March 8, 2011, upon (i) receipt by the City of the purchase price of the Bonds, and (ii) deposit of the Bonds with DTC to be held in trust until maturity.

15. Form of Bonds. Said Bonds shall be in substantially the form set forth in Appendix B hereto.

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I HEREBY FURTHER CERTIFY that the powers and duties delegated to me to issue and sell the Bonds hereinabove described and referred to are in full force and effect and have not been modified, amended or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand as of this 16th day of February, 2011.


Comptroller

APPENDIX A
Refunding Financial Plan

as prepared by
Sterne, Agee & Leach, Inc.

February 16, 2011

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City of Buffalo City of Buffalo - Combined Refunding Final

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Escrow Requirements	19
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Cost of Issuance	22

SOURCES AND USES OF FUNDSCity of Buffalo
City of Buffalo - Combined Refunding Final

Sources:

Bond Proceeds:	
Par Amount	34,650,000.00
Net Premium	1,788,677.55
	<hr/>
	36,438,677.55

Uses:

Refunding Escrow Deposits:	
Cash Deposit	1.17
SLGS Purchases	36,086,342.00
	<hr/>
	36,086,343.17
 Delivery Date Expenses:	
Cost of Issuance	164,600.00
Underwriter's Discount	156,590.25
Bond Insurance	25,055.74
	<hr/>
	346,245.99
 Other Uses of Funds:	
Additional Proceeds	6,088.39
	<hr/>
	36,438,677.55

SOURCES AND USES OF FUNDS

City of Buffalo
General Improvement Refunding Bonds 2011 A

Sources:

Bond Proceeds:	
Par Amount	12,825,000.00
Net Premium	348,361.45
	<u>13,173,361.45</u>

Uses:

Refunding Escrow Deposits:	
Cash Deposit	0.62
SLGS Purchases	<u>13,043,263.00</u>
	13,043,263.62
Delivery Date Expenses:	
Cost of Issuance	60,923.36
Underwriter's Discount	57,554.82
Bond Insurance	<u>9,639.72</u>
	128,117.90
Other Uses of Funds:	
Additional Proceeds	<u>1,979.93</u>
	<u>13,173,361.45</u>

SOURCES AND USES OF FUNDS

City of Buffalo
Refunding School Bonds 2011 B

Sources:

Bond Proceeds:

Par Amount	21,825,000.00
Net Premium	1,440,316.10

23,265,316.10

Uses:

Refunding Escrow Deposits:

Cash Deposit	0.55
SLGS Purchases	23,043,079.00
	<hr/> 23,043,079.55

Delivery Date Expenses:

Cost of Issuance	103,676.64
Underwriter's Discount	99,035.43
Bond Insurance	15,416.02
	<hr/> 218,128.09

Other Uses of Funds:

Additional Proceeds	4,108.46
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23,265,316.10

SUMMARY OF REFUNDING RESULTS

City of Buffalo
City of Buffalo - Combined Refunding Final

Dated Date	03/08/2011
Delivery Date	03/08/2011
Arbitrage yield	2.880668%
Escrow yield	0.259704%
Bond Par Amount	34,650,000.00
True Interest Cost	2.980124%
Net Interest Cost	3.082138%
Average Coupon	4.264992%
Average Life	3.982
Par amount of refunded bonds	34,800,000.00
Average coupon of refunded bonds	5.223620%
Average life of refunded bonds	4.203
PV of prior debt to 03/08/2011 @ 2.880668%	38,282,181.04
Net PV Savings	1,874,647.62
Percentage savings of refunded bonds	5.386918%
Percentage savings of refunding bonds	5.410238%

SUMMARY OF BONDS REFUNDED

City of Buffalo
City of Buffalo - Combined Refunding Final

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Series 1999A, 1999A:					
GISERIAL	02/01/2013	5.125%	2,945,000.00	08/01/2011	100.000
	02/01/2014	5.125%	3,005,000.00	08/01/2011	100.000
	02/01/2015	4.750%	300,000.00	08/01/2011	100.000
	02/01/2016	4.750%	310,000.00	08/01/2011	100.000
	02/01/2017	4.750%	315,000.00	08/01/2011	100.000
	02/01/2018	4.750%	320,000.00	08/01/2011	100.000
			7,195,000.00		
Series 2001A, 2001A:					
GISERIAL	02/01/2013	4.600%	1,145,000.00	04/07/2011	100.000
	02/01/2014	4.700%	1,160,000.00	04/07/2011	100.000
	02/01/2015	4.800%	1,005,000.00	04/07/2011	100.000
	02/01/2016	5.375%	1,020,000.00	04/07/2011	100.000
	02/01/2017	5.000%	255,000.00	04/07/2011	100.000
	02/01/2018	5.000%	250,000.00	04/07/2011	100.000
	02/01/2019	5.000%	260,000.00	04/07/2011	100.000
	02/01/2020	5.100%	260,000.00	04/07/2011	100.000
	02/01/2021	5.100%	265,000.00	04/07/2011	100.000
			5,620,000.00		
School Bonds, Series 2001B, SB2001B:					
CSERIAL	02/01/2013	4.600%	435,000.00	04/07/2011	100.000
	02/01/2014	4.700%	460,000.00	04/07/2011	100.000
	02/01/2015	4.800%	490,000.00	04/07/2011	100.000
	02/01/2016	4.875%	515,000.00	04/07/2011	100.000
	02/01/2017	5.000%	530,000.00	04/07/2011	100.000
	02/01/2018	5.000%	550,000.00	04/07/2011	100.000
	02/01/2019	5.000%	580,000.00	04/07/2011	100.000
	02/01/2020	5.000%	620,000.00	04/07/2011	100.000
	02/01/2021	5.100%	645,000.00	04/07/2011	100.000
			4,825,000.00		
School Bonds, Series 2001D, SB2001D:					
CSERIAL	12/15/2012	5.500%	2,675,000.00	12/15/2011	100.000
	12/15/2013	5.500%	2,820,000.00	12/15/2011	100.000
	12/15/2014	5.500%	2,975,000.00	12/15/2011	100.000
	12/15/2015	5.500%	3,140,000.00	12/15/2011	100.000
	12/15/2016	5.500%	3,310,000.00	12/15/2011	100.000
			14,920,000.00		
School Bonds, Series 2002B, SB2002B:					
CSERIAL	11/15/2016	5.375%	2,240,000.00	11/15/2012	100.000
			34,800,000.00		

SAVINGS

City of Buffalo
City of Buffalo - Combined Refunding Final

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 03/08/2011 @ 2.8806677%
06/30/2011	470,500.00	324,613.58	145,886.42	144,550.54
06/30/2012	1,817,506.26	1,609,887.50	207,618.76	207,861.70
06/30/2013	8,943,943.76	8,740,062.50	203,881.26	174,694.86
06/30/2014	8,814,220.02	8,606,712.50	207,507.52	171,217.07
06/30/2015	5,749,711.26	5,539,012.50	210,698.76	180,548.16
06/30/2016	5,710,538.76	5,507,237.50	203,301.26	168,307.35
06/30/2017	7,043,307.50	6,832,318.75	210,988.75	175,164.09
06/30/2018	1,307,870.00	1,099,437.50	208,432.50	168,417.17
06/30/2019	972,670.00	762,000.00	210,670.00	166,265.74
06/30/2020	970,670.00	763,800.00	206,870.00	158,231.00
06/30/2021	956,410.00	749,700.00	206,710.00	153,301.54
	42,757,347.56	40,534,782.33	2,222,565.23	1,868,559.23

Savings Summary

PV of savings from cash flow	1,868,559.23
Plus: Refunding funds on hand	6,088.39
Net PV Savings	1,874,647.62

SAVINGS

City of Buffalo
General Improvement Refunding Bonds 2011 A

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 03/08/2011 @ 2.8806677%
06/30/2011		100,674.97	-100,674.97	-100,013.29
06/30/2012	639,355.00	535,162.50	104,192.50	106,563.27
06/30/2013	4,729,355.00	4,629,762.50	99,592.50	79,806.43
06/30/2014	4,600,753.76	4,500,262.50	100,491.26	76,479.29
06/30/2015	1,532,227.50	1,429,937.50	102,290.00	87,460.16
06/30/2016	1,494,737.50	1,395,412.50	99,325.00	81,923.29
06/30/2017	665,187.50	562,243.75	102,943.75	85,509.64
06/30/2018	637,475.00	535,037.50	102,437.50	82,522.35
06/30/2019	299,775.00	197,600.00	102,175.00	81,072.37
06/30/2020	286,775.00	185,500.00	101,275.00	78,022.18
06/30/2021	278,515.00	178,500.00	100,015.00	74,788.52
	15,164,156.26	14,250,093.72	914,062.54	734,134.21

Savings Summary

PV of savings from cash flow	734,134.21
Plus: Refunding funds on hand	1,979.93
Net PV Savings	736,114.14

SAVINGS

City of Buffalo
Refunding School Bonds 2011 B

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 03/08/2011 @ 2.8806677%
06/30/2011	470,500.00	223,938.61	246,561.39	244,563.83
06/30/2012	1,178,151.26	1,074,725.00	103,426.26	101,298.43
06/30/2013	4,214,588.76	4,110,300.00	104,288.76	94,888.43
06/30/2014	4,213,466.26	4,106,450.00	107,016.26	94,737.78
06/30/2015	4,217,483.76	4,109,075.00	108,408.76	93,088.00
06/30/2016	4,215,801.26	4,111,825.00	103,976.26	86,384.07
06/30/2017	6,378,120.00	6,270,075.00	108,045.00	89,654.46
06/30/2018	670,395.00	564,400.00	105,995.00	85,894.82
06/30/2019	672,895.00	564,400.00	108,495.00	85,193.37
06/30/2020	683,895.00	578,300.00	105,595.00	80,208.82
06/30/2021	677,895.00	571,200.00	106,695.00	78,513.01
	27,593,191.30	26,284,688.61	1,308,502.69	1,134,425.02

Savings Summary

PV of savings from cash flow	1,134,425.02
Plus: Refunding funds on hand	4,108.46
Net PV Savings	1,138,533.48

BOND SUMMARY STATISTICS

City of Buffalo
City of Buffalo - Combined Refunding Final

Dated Date	03/08/2011
Delivery Date	03/08/2011
Last Maturity	12/01/2020
Arbitrage Yield	2.880668%
True Interest Cost (TIC)	2.980124%
Net Interest Cost (NIC)	3.082138%
All-In TIC	3.124428%
Average Coupon	4.264992%
Average Life (years)	3.982
Duration of Issue (years)	3.690
Par Amount	34,650,000.00
Bond Proceeds	36,438,677.55
Total Interest	5,884,782.33
Net Interest	4,252,695.03
Total Debt Service	40,534,782.33
Maximum Annual Debt Service	8,740,062.50
Average Annual Debt Service	4,165,721.28
Underwriter's Fees (per \$1000)	
Average Takedown	3.711494
Other Fee	0.807706
Total Underwriter's Discount	4.519199
Bid Price	104.710209

Bond Component	Par Value	Price	Average Coupon	Average Life
Uninsured serial bonds	31,510,000.00	105.646	4.340%	3.571
Insured serial bonds	3,140,000.00	100.310	3.933%	8.111
	34,650,000.00			3.982

	TIC	All-In TIC	Arbitrage Yield
Par Value	34,650,000.00	34,650,000.00	34,650,000.00
+ Accrued Interest			
+ Premium (Discount)	1,788,677.55	1,788,677.55	1,788,677.55
- Underwriter's Discount	-156,590.25	-156,590.25	
- Cost of Issuance Expense		-164,600.00	
- Other Amounts		-25,055.74	-25,055.74
Target Value	36,282,087.30	36,092,431.56	36,413,621.81
Target Date	03/08/2011	03/08/2011	03/08/2011
Yield	2.980124%	3.124428%	2.880668%

BOND SUMMARY STATISTICS

City of Buffalo
General Improvement Refunding Bonds 2011 A

Dated Date	03/08/2011
Delivery Date	03/08/2011
Last Maturity	12/01/2020
Arbitrage Yield	2.880668%
True Interest Cost (TIC)	2.702461%
Net Interest Cost (NIC)	2.749495%
All-In TIC	2.882031%
Average Coupon	3.454406%
Average Life (years)	3.217
Duration of Issue (years)	3.049
Par Amount	12,825,000.00
Bond Proceeds	13,173,361.45
Total Interest	1,425,093.72
Net Interest	1,134,287.09
Total Debt Service	14,250,093.72
Maximum Annual Debt Service	4,629,762.50
Average Annual Debt Service	1,464,468.67
Underwriter's Fees (per \$1000)	
Average Takedown	3.680000
Other Fee	0.807705
Total Underwriter's Discount	4.487705
Bid Price	102.267498

Bond Component	Par Value	Price	Average Coupon	Average Life
Uninsured serial bonds	11,790,000.00	102.980	3.374%	2.819
Insured serial bonds	1,035,000.00	99.707	3.788%	7.750
	12,825,000.00			3.217

	TIC	All-In TIC	Arbitrage Yield
Par Value	12,825,000.00	12,825,000.00	12,825,000.00
+ Accrued Interest			
+ Premium (Discount)	348,361.45	348,361.45	348,361.45
- Underwriter's Discount	-57,554.82	-57,554.82	
- Cost of Issuance Expense		-60,923.36	
- Other Amounts		-9,639.72	-9,639.72
Target Value	13,115,806.63	13,045,243.55	13,163,721.73
Target Date	03/08/2011	03/08/2011	03/08/2011
Yield	2.702461%	2.882031%	2.880668%

BOND SUMMARY STATISTICS

City of Buffalo
Refunding School Bonds 2011 B

Dated Date	03/08/2011
Delivery Date	03/08/2011
Last Maturity	12/01/2020
Arbitrage Yield	2.880668%
True Interest Cost (TIC)	3.097629%
Net Interest Cost (NIC)	3.224015%
All-In TIC	3.227029%
Average Coupon	4.610718%
Average Life (years)	4.432
Duration of Issue (years)	4.048
Par Amount	21,825,000.00
Bond Proceeds	23,265,316.10
Total Interest	4,459,688.61
Net Interest	3,118,407.94
Total Debt Service	26,284,688.61
Maximum Annual Debt Service	6,270,075.00
Average Annual Debt Service	2,701,252.61
Underwriter's Fees (per \$1000)	
Average Takedown	3.730000
Other Fee	0.807706
Total Underwriter's Discount	4.537706
Bid Price	106.145616

Bond Component	Par Value	Price	Average Coupon	Average Life
Uninsured serial bonds	19,720,000.00	107.239	4.745%	4.020
Insured serial bonds	2,105,000.00	100.607	4.000%	8.289
	21,825,000.00			4.432

	TIC	All-In TIC	Arbitrage Yield
Par Value	21,825,000.00	21,825,000.00	21,825,000.00
+ Accrued Interest			
+ Premium (Discount)	1,440,316.10	1,440,316.10	1,440,316.10
- Underwriter's Discount	-99,035.43	-99,035.43	
- Cost of Issuance Expense		-103,676.64	
- Other Amounts		-15,416.02	-15,416.02
Target Value	23,166,280.67	23,047,188.01	23,249,900.08
Target Date	03/08/2011	03/08/2011	03/08/2011
Yield	3.097629%	3.227029%	2.880668%

BOND PRICING

City of Buffalo
General Improvement Refunding Bonds 2011 A

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Premium (-Discount)	Takedown
Uninsured serial bonds:							
	12/01/2011	100,000	3.000%	1.220%	101.289	1,289.00	2.500
	12/01/2012	4,260,000	3.000%	1.570%	102.430	103,518.00	3.500
	12/01/2013	4,280,000	4.000%	2.040%	105.177	221,575.60	3.750
	12/01/2014	1,315,000	3.000%	2.570%	101.517	19,948.55	3.750
	12/01/2015	1,320,000	3.000%	2.930%	100.304	4,012.80	3.750
	12/01/2016	515,000	3.250%	3.210%	100.204	1,050.60	3.750
		<u>11,790,000</u>				<u>351,394.55</u>	
Insured serial bonds:							
	12/01/2017	505,000	3.500%	3.520%	99.877	-621.15	4.000
	12/01/2018	180,000	4.000%	3.790%	101.391	2,503.80	4.000
	12/01/2019	175,000	4.000%	4.070%	99.484	-903.00	4.000
	12/01/2020	175,000	4.000%	4.290%	97.707	-4,012.75	4.000
		<u>1,035,000</u>				<u>-3,033.10</u>	
		12,825,000				348,361.45	

Dated Date	03/08/2011	
Delivery Date	03/08/2011	
First Coupon	06/01/2011	
Par Amount	12,825,000.00	
Premium	348,361.45	
Production	13,173,361.45	102.716269%
Underwriter's Discount	-57,554.82	-0.448771%
Purchase Price	13,115,806.63	102.267498%
Accrued Interest		
Net Proceeds	13,115,806.63	

BOND PRICING

City of Buffalo
Refunding School Bonds 2011 B

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Premium (-Discount)	Takedown
Uninsured serial bonds:							
	12/01/2011	105,000	3.000%	1.170%	101.326	1,392.30	2.500
	12/01/2012	3,190,000	3.000%	1.520%	102.516	80,260.40	3.500
	12/01/2013	3,300,000	4.000%	1.990%	105.313	175,329.00	3.750
	12/01/2014	3,455,000	5.000%	2.600%	108.476	292,845.80	3.750
	12/01/2015	3,635,000	5.000%	2.950%	108.985	326,604.75	3.750
	12/01/2016	6,035,000	5.000%	3.240%	109.132	551,116.20	3.750
		19,720,000				1,427,548.45	
Insured serial bonds:							
	12/01/2017	490,000	4.000%	3.470%	103.152	15,444.80	4.000
	12/01/2018	510,000	4.000%	3.740%	101.726	8,802.60	4.000
	12/01/2019	545,000	4.000%	4.020%	99.849	-822.95	4.000
	12/01/2020	560,000	4.000%	4.240%	98.097	-10,656.80	4.000
		2,105,000				12,767.65	
		21,825,000				1,440,316.10	

Dated Date	03/08/2011	
Delivery Date	03/08/2011	
First Coupon	06/01/2011	
Par Amount	21,825,000.00	
Premium	1,440,316.10	
Production	23,265,316.10	106.599386%
Underwriter's Discount	-99,035.43	-0.453771%
Purchase Price	23,166,280.67	106.145616%
Accrued Interest		
Net Proceeds	23,166,280.67	

BOND DEBT SERVICE

City of Buffalo
City of Buffalo - Combined Refunding Final

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2011			324,613.58	324,613.58	
06/30/2011					324,613.58
12/01/2011	205,000	3.000%	703,981.25	908,981.25	
06/01/2012			700,906.25	700,906.25	
06/30/2012					1,609,887.50
12/01/2012	7,450,000	3.000%	700,906.25	8,150,906.25	
06/01/2013			589,156.25	589,156.25	
06/30/2013					8,740,062.50
12/01/2013	7,580,000	4.000%	589,156.25	8,169,156.25	
06/01/2014			437,556.25	437,556.25	
06/30/2014					8,606,712.50
12/01/2014	4,770,000	**	437,556.25	5,207,556.25	
06/01/2015			331,456.25	331,456.25	
06/30/2015					5,539,012.50
12/01/2015	4,955,000	**	331,456.25	5,286,456.25	
06/01/2016			220,781.25	220,781.25	
06/30/2016					5,507,237.50
12/01/2016	6,550,000	**	220,781.25	6,770,781.25	
06/01/2017			61,537.50	61,537.50	
06/30/2017					6,832,318.75
12/01/2017	995,000	**	61,537.50	1,056,537.50	
06/01/2018			42,900.00	42,900.00	
06/30/2018					1,099,437.50
12/01/2018	690,000	4.000%	42,900.00	732,900.00	
06/01/2019			29,100.00	29,100.00	
06/30/2019					762,000.00
12/01/2019	720,000	4.000%	29,100.00	749,100.00	
06/01/2020			14,700.00	14,700.00	
06/30/2020					763,800.00
12/01/2020	735,000	4.000%	14,700.00	749,700.00	
06/30/2021					749,700.00
	34,650,000		5,884,782.33	40,534,782.33	40,534,782.33

BOND DEBT SERVICE

City of Buffalo
General Improvement Refunding Bonds 2011 A

Period Ending	Principal	Coupon	Interest	Debt Service
06/30/2011			100,674.97	100,674.97
06/30/2012	100,000	3.000%	435,162.50	535,162.50
06/30/2013	4,260,000	3.000%	369,762.50	4,629,762.50
06/30/2014	4,280,000	4.000%	220,262.50	4,500,262.50
06/30/2015	1,315,000	3.000%	114,937.50	1,429,937.50
06/30/2016	1,320,000	3.000%	75,412.50	1,395,412.50
06/30/2017	515,000	3.250%	47,243.75	562,243.75
06/30/2018	505,000	3.500%	30,037.50	535,037.50
06/30/2019	180,000	4.000%	17,600.00	197,600.00
06/30/2020	175,000	4.000%	10,500.00	185,500.00
06/30/2021	175,000	4.000%	3,500.00	178,500.00
	12,825,000		1,425,093.72	14,250,093.72

BOND DEBT SERVICE

City of Buffalo
Refunding School Bonds 2011 B

Period Ending	Principal	Coupon	Interest	Debt Service
06/30/2011			223,938.61	223,938.61
06/30/2012	105,000	3.000%	969,725.00	1,074,725.00
06/30/2013	3,190,000	3.000%	920,300.00	4,110,300.00
06/30/2014	3,300,000	4.000%	806,450.00	4,106,450.00
06/30/2015	3,455,000	5.000%	654,075.00	4,109,075.00
06/30/2016	3,635,000	5.000%	476,825.00	4,111,825.00
06/30/2017	6,035,000	5.000%	235,075.00	6,270,075.00
06/30/2018	490,000	4.000%	74,400.00	564,400.00
06/30/2019	510,000	4.000%	54,400.00	564,400.00
06/30/2020	545,000	4.000%	33,300.00	578,300.00
06/30/2021	560,000	4.000%	11,200.00	571,200.00
	21,825,000		4,459,688.61	26,284,688.61

ESCROW DESCRIPTIONS

City of Buffalo
General Improvement Refunding Bonds 2011 A

Type of Security	Type of SLGS	Maturity Date	First Int Pmt Date	Par Amount	Rate	Max Rate
Mar 8, 2011:						
SLGS	Certificate	04/07/2011	04/07/2011	5,670,050	0.090%	0.090%
SLGS	Certificate	08/01/2011	08/01/2011	7,373,213	0.130%	0.130%
				13,043,263		

SLGS Summary

SLGS Rates File	15FEB11
Total Certificates of Indebtedness	13,043,263.00

ESCROW DESCRIPTIONS

City of Buffalo
Refunding School Bonds 2011 B

Type of Security	Type of SLGS	Maturity Date	First Int Pmt Date	Par Amount	Rate	Max Rate
Mar 8, 2011:						
SLGS	Certificate	04/07/2011	04/07/2011	4,868,119	0.090%	0.090%
SLGS	Certificate	05/15/2011	05/15/2011	57,660	0.110%	0.110%
SLGS	Certificate	06/15/2011	06/15/2011	410,167	0.120%	0.120%
SLGS	Certificate	11/15/2011	11/15/2011	53,401	0.190%	0.190%
SLGS	Certificate	12/15/2011	12/15/2011	15,306,713	0.200%	0.200%
SLGS	Note	05/15/2012	05/15/2011	53,471	0.290%	0.290%
SLGS	Note	11/15/2012	05/15/2011	2,293,548	0.580%	0.580%
				23,043,079		

SLGS Summary

SLGS Rates File	15FEB11
Total Certificates of Indebtedness	20,696,060.00
Total Notes	2,347,019.00
Total original SLGS	23,043,079.00

ESCROW REQUIREMENTS

City of Buffalo
General Improvement Refunding Bonds 2011 A

Period Ending	Interest	Principal Redeemed	Total
04/07/2011	50,468.00	5,620,000.00	5,670,468.00
08/01/2011	182,037.50	7,195,000.00	7,377,037.50
	232,505.50	12,815,000.00	13,047,505.50

ESCROW REQUIREMENTS

City of Buffalo
Refunding School Bonds 2011 B

Period Ending	Interest	Principal Redeemed	Total
04/07/2011	43,477.73	4,825,000.00	4,868,477.73
05/15/2011	60,200.00		60,200.00
06/15/2011	410,300.00		410,300.00
11/15/2011	60,200.00		60,200.00
12/15/2011	410,300.00	14,920,000.00	15,330,300.00
05/15/2012	60,200.00		60,200.00
11/15/2012	60,200.00	2,240,000.00	2,300,200.00
	1,104,877.73	21,985,000.00	23,089,877.73

UNDERWRITER'S DISCOUNT

City of Buffalo
City of Buffalo - Combined Refunding Final

Underwriter's Discount	\$/1000	Amount
Average Takedown	3.71149	128,603.25
Underwriter's Counsel	0.57720	20,000.00
SIFMA	0.02000	693.00
CUSIP	0.01795	622.00
DTC	0.00722	250.00
Day Loan	0.05319	1,843.00
Dalcomp	0.06000	2,079.00
Travel/Expenses	0.07215	2,500.00
	4.51920	156,590.25

COST OF ISSUANCE

City of Buffalo
City of Buffalo - Combined Refunding Final

Cost of Issuance	\$/1000	Amount
Bond Counsel	1.50072	52,000.00
Financial Advisor	1.29870	45,000.00
Rating Agencies	1.17172	40,600.00
Trustee	0.02886	1,000.00
Printer	0.28860	10,000.00
Verification Agent	0.08658	3,000.00
Miscellaneous	0.14430	5,000.00
City Audit Fee	0.21645	7,500.00
School District Audit Fee	0.01443	500.00
	4.75036	164,600.00

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APPENDIX B

Bond Form

REGISTERED

REGISTERED

NO. R-

\$

UNITED STATES OF AMERICA
STATE OF NEW YORK
CITY OF BUFFALO

GENERAL IMPROVEMENT REFUNDING SERIAL BOND-2011A
SCHOOL REFUNDING SERIAL BOND-2011B

MATURITY DATE:	INTEREST	DATE OF	
December 1,	RATE:	ORIGINAL ISSUE:	CUSIP:
	%	March 8, 2011	119674

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM:

DOLLARS


The City of Buffalo, a municipal corporation of the State of New York, hereby acknowledges itself indebted and for value received promises to pay to the REGISTERED OWNER named above, or registered assigns, on the MATURITY DATE, (stated above) the PRINCIPAL SUM (stated above) upon presentation and surrender of this bond at the corporate trust office of Manufacturers and Traders Trust Company, Buffalo, New York, as fiscal agent (herein called "Fiscal Agent"), or any successor thereto, and to pay interest on such principal sum from March 8, 2011 or from the most recent interest payment date to which interest has been paid, or unless interest on this bond shall be in default, in which event this bond shall bear interest from the date to which interest has been paid in full, at the INTEREST RATE (stated above), payable on June 1, 2011, December 1, 2011 and semiannually thereafter on June 1 and December 1 of each year until maturity. Interest hereon shall be payable by wire transfer or in clearinghouse funds by said Fiscal Agent on each interest payment date to the registered owner hereof at his address as it appears on the registration books of the City maintained by the Fiscal Agent or at such other address as may be furnished in writing by such registered owner to the Fiscal Agent at the close of business on the fifteenth day of the month preceding each interest payment date. The principal of and interest on this bond are payable in any coin or currency of the United States of America which, at the date of payment is legal tender for the payment of public and private debts, provided, however, that interest on this fully registered bond shall be paid by wire transfer or clearinghouse funds as set forth above.

The faith and credit of such City of Buffalo are hereby irrevocably pledged to the punctual payment of the principal of and interest on this bond according to its terms.

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It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this bond, exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the City of Buffalo is within every debt and other limit prescribed by the Constitution and laws of such State.

IN WITNESS WHEREOF, the City of Buffalo has caused this bond to be executed in its name by the manual signature of its Comptroller and its corporate seal (or a facsimile thereof) to be affixed, imprinted, engraved, or otherwise reproduced hereon.

City of Buffalo
BY 
Comptroller

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City of Buffalo, New York
[General Improvement Refunding Serial Bond-2011A]
[School Refunding Serial Bond-2011A]

This bond is one of an authorized issue, the principal amount of which is (\$12,825,000, \$21,825,000), and is issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), a Refunding Bond Resolution duly adopted by the Common Council of said City on November 30, 2010 authorizing the issuance of not to exceed \$77,000,000 refunding bonds of the City to provide funds required by the City to advance refund certain serial bonds heretofore issued by the City as referred to therein and a Certificate of Determination executed by the Comptroller as of February 16, 2011 determining the terms, form and details of issuance of said refunding bonds (the "Bonds") and providing for their private sale (the "Certificate of Determination").

The Bonds are issued subject to the provisions of the Capital Debt Service Act of the City of Buffalo, constituting Chapter 12 of the Laws of 1977 of the State of New York (the "Act"), and the Enabling Resolution adopted by the Common Council of the City of Buffalo on March 8, 1977 and approved by the Mayor on said date (the "Resolution"). A copy of the Resolution is on file at the office of the City Clerk and at the office of Manufacturers and Traders Trust Company (the "Trustee"), in Buffalo, New York.

The Bonds are entitled to the benefits of the Act and the Resolution, including certain covenants of the City authorized by the Act and set forth in the Resolution. Reference to the Resolution, and any and all modifications thereto, and to the Act, is made for a description of the nature and extent of such covenants, the rights and remedies of the holders or registered owners of the Bonds with respect thereto, and a statement of the rights, duties and obligations of the City and of the Trustee.

To the extent and in the respects permitted by the Resolution, the provisions of the Resolution may be modified or amended by action on behalf of the City taken in the manner and subject to the conditions and exceptions prescribed in the Resolution.

The Bonds are issuable in the form of registered bonds without coupons in denominations of \$5,000, or any integral multiple thereof.

This Bond is transferable or exchangeable, as provided in the Certificate of Determination, only upon the books of the City kept for that purpose, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer or exchange satisfactory to the City duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new Bond or Bonds, in the same aggregate principal amount and of the same maturity, shall be issued to the transferee or the registered owner in exchange therefor as provided in the Certificate of Determination and upon the payment of the charges, if any, therein prescribed.

The Bonds will not be subject to redemption prior to maturity.

form of opinion

Hawkins Delafield & Wood LLP
67 Wall Street
New York, New York 10005

March 8, 2011

The Common Council of the
City of Buffalo, New York

Ladies and Gentlemen:

We have examined a record of proceedings relating to the sale and issuance of [\$12,825,000 General Improvement Refunding Bonds-2011A and \$21,825,000 School Serial Bonds-2011B] (the "Bonds") of the City of Buffalo, New York (the "City").

The Bonds are issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, a refunding bond resolution duly adopted by the Common Council on November 30, 2010, authorizing the issuance of not to exceed \$77,000,000 refunding bonds of the City to provide funds required by the City to refund certain bonds of the City referred to therein, and a Certificate of Determination executed by the City Comptroller as of February 16, 2011, determining the terms, form and details of issuance of said refunding bonds and providing for their private sale.

The Bonds are dated, mature, are payable, bear interest and are subject to redemption as provided in the Certificate of Determination.

The Bonds are issued only in fully registered form without interest coupons, in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company, an automated depository for securities and clearinghouse for securities transactions which will maintain a book-entry system for recording the ownership interests in the Bonds. Only one Bond will be initially issued for each maturity in the aggregate principal amount of such maturity. Purchases of ownership interests in the Bonds will be made in book-entry form in denominations of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount of Bonds of each series maturing in such year. The Bonds are lettered AR and numbered separately from one consecutively upward.

In our opinion, said Bonds are valid and legally binding general obligations of the City for which the City has validly pledged its faith and credit and, unless paid from other sources, all the taxable real property within the City is subject to the levy of ad valorem real estate taxes to pay the Bonds and interest thereon without limitation of rate or amount. The enforceability of rights or remedies with respect to such Bonds may be limited by bankruptcy, insolvency or other laws affecting creditors' rights or remedies heretofore or hereafter enacted.

The Internal Revenue Code of 1986, as amended (the "Code"), establishes certain requirements that must be met subsequent to the issuance and delivery of the Bonds in order that

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interest on the Bonds be and remain excludable from gross income under Section 103 of the Code. The Comptroller of the City, in executing the Arbitrage and Use of Proceeds Certificate, has certified to the effect that the City will comply with the provisions and procedures set forth therein and that it will do and perform all acts and things necessary or desirable to assure that interest paid on the Bonds is excludable from gross income under Section 103 of the Code. We have examined such Arbitrage and Use of Proceeds Certificate delivered concurrently with the delivery of the Bonds, and in our opinion, such certificate contains provisions and procedures under which such requirements can be met.

In our opinion, under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Bonds is excluded from gross income for federal income tax purposes pursuant to Section 103 of the Code and (ii) interest on the Bonds is not treated as a preference item in calculating the alternative minimum tax imposed on individuals and corporations under the Code; such interest, however, is included in the adjusted current earnings of certain corporations for purposes of calculating the alternative minimum tax imposed on such corporations. In rendering the opinion in this paragraph, we have (i) relied on the representations, certifications of fact, and statements of reasonable expectations made by the City in the Arbitrage and Use of Proceeds Certificate and others in connection with the Bonds, and (ii) assumed compliance by the City with certain provisions and procedures set forth in the Arbitrage and Use of Proceeds Certificate relating to compliance with applicable requirements of the Code to assure the exclusion of interest on the Bonds from gross income under Section 103 of the Code.

Further, in our opinion, under existing statutes the interest on the Bonds is exempt from personal income taxes of New York State and its political subdivisions, including The City of New York.

Except as stated above, we express no opinion regarding any other federal or state tax consequences with respect to the Bonds. We render our opinion under existing statutes and court decisions as of the issue date, and we assume no obligation to update our opinion after the issue date to reflect any future action, fact or circumstance, or change in law or interpretation, or otherwise. We express no opinion on the effect of any action hereafter taken or not taken in reliance upon an opinion of other counsel on the exclusion from gross income for federal income tax purposes of interest on the Bonds, or on the exemption from state and local tax law of interest on the Bonds.

Other than such record of proceedings, we have not been requested to examine or review and have not examined or reviewed the accuracy or sufficiency of the Official Statement relating to the Bonds, or any additional proceedings, reports, correspondence, financial statements or other documents, containing financial or other information relative to the City which have been or may hereafter be furnished or disclosed to purchasers of said Bonds, and we express no opinion with respect to any such financial or other information or the accuracy or sufficiency thereof.

We have examined the executed first numbered Bond of the 2011 maturity of the Bonds and, in our opinion, the form of said Bonds and their execution are regular and proper.

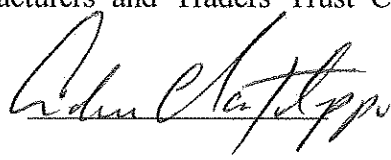
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This opinion is issued as of the date hereof, and we assume no obligation to update, revise or supplement this opinion to reflect any action hereafter taken or not taken, or any facts or circumstances, or changes in law or in interpretations thereof, that may hereafter occur, or for any other reason.

Very truly yours,

/s/ Hawkins Delafield & Wood LLP

CERTIFICATE AS TO LEGAL OPINION

I, ANDREW A. SANFILIPPO, Comptroller of the City of Buffalo, in the County of Erie, New York, HEREBY CERTIFY that on the date the bonds described in the opinion hereinabove mentioned were originally delivered and paid for, a written opinion as to the validity of such bonds, dated as of the date of such delivery and payment, was rendered by the law firm of Hawkins Delafield & Wood LLP, New York, New York, and that the foregoing, except as to omission of the date, is a true and correct copy of said opinion, signed duplicates of which have been filed in the corporate trust office of the Manufacturers and Traders Trust Company, Buffalo, New York, as Fiscal Agent.



STATEMENT OF INSURANCE

Assured Guaranty Municipal Corp. (formerly known as Financial Security Assurance Inc.) ("AGM"), New York, New York, has delivered its municipal bond insurance policy (the "Policy") with respect to the scheduled payments due of principal of and interest on the Bonds maturing on December 1 in each of the years 2017 through 2020, inclusive, to Manufacturers & Traders Corp., Buffalo, New York or its successor, as paying agent for the Bonds (the "Paying Agent"). Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from AGM or the Paying Agent. All payments required to be made under the Policy shall be made in accordance with the provisions thereof. The owner of this Bond acknowledges and consents to the subrogation rights of AGM as more fully set forth in the Policy.

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ASSIGNMENT

FOR VALUE RECEIVED, the Undersigned hereby sells,
assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS INCLUDING POSTAL ZIP CODE
OF ASSIGNEE

the within Bond and does hereby irrevocably constitute and appoint

Attorney

to transfer said Bond on the books kept for registration of said Bond, with full power of
substitution in the premises.

Dated: _____

Signature Guaranteed: _____

Notice: Signature(s) must be acknowledged
or proved, or in the alternative, certified as
to its genuineness by an officer of a bank or
trust company located and authorized to do
business in New York State.

Notice: The signature to this assignment
must correspond with the name as it
appears upon the face of the within bond in
every particular, without alteration or
enlargement or any change whatever.

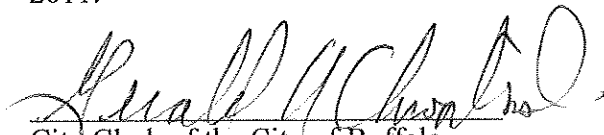
CLERK'S CERTIFICATE

I, GERALD CHWALINSKI, City Clerk of the City of Buffalo, DO HEREBY CERTIFY that I have compared the foregoing copy of the Certificate of Determination executed by the Comptroller and the same is a true and complete copy of the Certificate filed with said City in my office as Clerk on March 8, 2011; and

I FURTHER CERTIFY that no resolution electing to reassume any of the powers or duties mentioned in said Certificate and delegated to the Comptroller by the resolution cited in said Certificate has been adopted by said Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this 8th day of March, 2011.

(SEAL)


City Clerk of the City of Buffalo

TO: THE COMMON COUNCIL: DATE: March 7, 2011

FROM: DEPARTMENT: Audit and Control

DIVISION: Accounting

SUBJECT: [: Additional Information on
[: Federal Financial Assistance
[:
[:

TEXT: (TYPE SINGLE SPACE BELOW)

This is to advise that a copy of the Single Audit Additional Information on Federal Financial Assistance Programs received by the City of Buffalo for the fiscal year ended June 30, 2010 has been delivered to each Councilmember, the Common Council Chief of Staff, the City Clerk, the Mayor, the Comptroller, and the Budget Office. Included therein are the Independent Auditors' Reports of Drescher & Malecki LLP for the City, Dansa & D'Arata, LLP for the Urban Renewal Agency and Freed Maxick & Battaglia, CPAs, PC for the Board of Education.

This report is available as a public record for inspection by all interested parties.

Pursuant to amendments of Section 35 of the General Municipal Law, the Common Council of the City of Buffalo may, at its discretion, prepare a written response to the report of external audit and file such response with the City Clerk as a public record for inspection by all interested parties no later than ninety days after its receipt, or June 7, 2011.

TYPE DEPARTMENT HEAD NAME: Andrew A. SanFilippo

TYPE TITLE: Comptroller

SIGNATURE OF DEPARTMENT HEAD

G:\single audit filing .doc

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

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RA

FROM THE COMMISSIONER OF PUBLIC WORKS, PARKS AND STREETS

March 8, 2011

00011

#1 (Rev. 1/93)

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

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TO: THE COMMON COUNCIL

DATE: February 24, 2011

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Engineering

SUBJECT:

[: 346 Connecticut St.
[: Fire Escape
[: Within City Right of Way

PRIOR COUNCIL REFERENCE: (IF ANY) n/a Ex. (Item No. xxx, C.C.P. xx/xx/xx)

Mr. Karl Frizlen, architect acting as agent for owners of the property located at 346 Connecticut Street, has requested permission to encroach City right of way at said address. The property owner is proposing to install a five story fire escape on the Normal Avenue side of the property. The fire escape would extend 5 feet into City right of way, measure 13 feet in length and leave 9 feet unobstructed sidewalk remaining after installation.

The Department of Public Works, Parks and Streets has reviewed this request with regards to the encroachment issue pursuant to Chapter 413, Section 67 (encroachment regulations) of the City Charter and recommends that Your Honorable Body refer this item to the Planning Board for the necessary site plan review and approval. If approved by the Planning Board and Your Honorable Body the Commissioner will issue a "Mere License" for said fire escape within City right of way provided the following conditions are met:

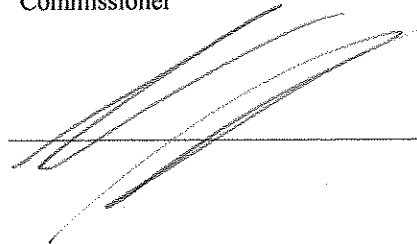
1. That the applicant obtain any and all City of Buffalo permits necessary.
2. That the fire escape be installed exactly as shown on plans submitted to and approved by the Department of Permit & Inspection Services.
3. That the applicant be responsible for maintenance of the fire escape as long as it remains within City right of way.
4. That, in the event the Commissioner of Public Works, Parks and Streets determines the encroachment must cease as a result of factors effecting the health, safety and welfare of the public, or the needs of the City, said Commissioner may order the immediate removal of the encroachment as described in Chapter 413-67 (F) of the City Charter.
5. That the applicant supply the Department of Public Works, Parks and Streets with a certificate of insurance, in an amount deemed sufficient by the Corporation Counsel, which will indemnify and save harmless the City of Buffalo against any and all loss or damage arising out of the construction, maintenance, use or removal of said fire escape.

SJS:PJM:MGM:kem

TYPE DEPARTMENT HEAD NAME: Steven J. Stepniak

TYPE TITLE: Commissioner

SIGNATURE OF DEPARTMENT HEAD:



REFERRED TO THE COMMITTEE ON LEGISLATION AND THE CITY PLANNING BOARD

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00012

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#1 (Rev. 1/93) SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: February 23, 2011

FROM: DEPARTMENT: Public Works, Parks and Streets

DIVISION: Water

SUBJECT:  [Permission to Reduce Retention
[Visone Construction Inc.
[Distribution Improvements-Various Locations #2
[Contract # 93000455

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No., C.C.P.)

I hereby submit to your Honorable Body a request to reduce the retention for the above mentioned contract from 5% to 1% and respectfully request that Your Honorable approve this request.

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E., City Engineer FOR

TYPE TITLE: Steven J. Stepniak, Commissioner of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:



REFERRED TO THE COMMITTEE
ON FINANCE.

FIN

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TO: Common Council

DATE: March 1st, 2011

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Engineering

SUBJECT: [: Report of Bids
 [: Curb & Sidewalk Replacement @ City
 Owned Ramps – 2010, Gr. #710

PRIOR COUNCIL REFERENCE: (IF ANY) [: c.c.p. #20 of 7/6/10

In obtaining these bids for the above mentioned project, I have asked for unit price covering the various items of work and material which will be performed. The final cost of the work will be based on the actual measured quantities of materials entering into the work and may be either more or less than the total bid.

The following bids were received:	Base Bid	Unit Price Increase
P & J Construction Co., Inc. 709 Pleasant View Drive, Lancaster, NY 14086	*\$185,825.00	\$204,407.50
Destro & Brothers Concrete Co., Inc. 411 Ludington Street, Buffalo, NY 14206	\$186,815.00	\$205,496.50
C & C Contractor's, Inc. 1589 Bailey Road, Cowlesville, NY 14037	\$228,966.00	\$251,862.60
Master's Edge, Inc. 3409 Broadway Street, Buffalo, NY 14227	\$254,515.00	\$279,966.50
North America Construction Co., Inc. 1417 Allehgany Road, Attica, NY 14011	\$239,737.00	\$263,710.70

I hereby certify that the low bidder for the above project is P & J Construction Co., Inc.

I respectfully recommend a contract award in the amount of \$204,407.50. (\$185,825.00 base bid + \$18,582.50 unit price increase = \$204,407.50). Funds for this account are available in the Parking Enterprise Fund #51008207-470010; an account to be named at a later date.

*Adjusted Amount

The engineer's estimate for this work is \$225,000.00 .

The attached is certified to be a true and correct statement of the bid received. Under provisions of the General Municipal Law, any of the bidders may withdraw his bid if an award of the contract is not made by May 30th, 2010. Individual bid submissions are available in our office for inspection and copies are available upon request.


SJS:PJM:MJZ:llf
Attach. (3)

cc: Bill Heinhold
Kevin Helfer - Parking

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.

TYPE TITLE: City Engineer of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:



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Locations:

- 1.) Clinton (south side) – Ellicott to Oak
 - 2.) Mohawk (north side) – Ellicott to Washington
 - 3.) S.e. Franklin/Court
 - 4.) Washington (west side) – Seneca to Exchange @ HSBC Underground Entrance/Exit
 - 5.) N.e. Franklin/Huron
 - 6.) Pearl (east side) – Eagle to Church @ Main Place Underground Entrance/Exit
-

Curb & Sidewalk Replacement @ City Owned Ramps - 2010, Group #710

ITEM NO.	ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS	APPROXIMATE QUANTITIES	UNIT	Contractor P & J Construction Co., Inc.		Contractor Destrip & Brothers Concrete Co., Inc.	
				UNIT BID PRICE	TOTAL DOLLARS	UNIT BID PRICE	TOTAL DOLLARS
01.400	Engineering Materials Fixed Bid \$ /	100%	As Necessary	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
2.110A	Unclassified Excavation (minimum bid \$15.00) \$ /	25	Cu.Yd.	\$15.00	\$375.00	\$15.00	\$375.00
2.110B	Hand Excavation with Compressor Jackhammer/Laborer - Fixed Bid \$ /	100%	As Necessary	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
03.210	Subbase Course - 1" crusher run Hand Laid (minimum bid \$30.00) \$ /	25	Cu.Yd.	\$30.00	\$750.00	\$30.00	\$750.00
04.150	Asphalt Concrete - Hand Laid Modified Fine Top for Sidewalk Areas (minimum bid \$150.00) \$ /	10	Tons	\$150.00	\$1,500.00	\$150.00	\$1,500.00
R05.205	Concrete Sidewalk - 5" Replacement \$ /	20,810	Sq.Ft.	\$4.25	\$88,442.50	\$4.50	\$93,645.00
R05.206	Concrete Sidewalks for Approach 6" Replacement - (=> R05.205) \$ /	1,350	Sq.Ft.	\$4.75	\$6,412.50	\$5.50	\$7,425.00
05.220	Metal Reinforcement for Sidewalk (6" x 6", 6" x 6") Minimum Bid \$0.40 \$ /	10,000	Sq.Ft.	\$0.40	\$4,000.00	\$0.40	\$4,000.00
05.220A	Metal Reinforcement for Approach (4 x 4, 4" x 4") (minimum bid \$0.50) \$ /	1,350	Sq.Ft.	\$0.50	\$675.00	\$0.50	\$675.00
05.220B	Fiber Reinforcement Additive for Approach (minimum bid \$7.00) \$ /	25	Cu.Yd.	\$7.00	\$175.00	\$7.00	\$175.00
05.310	High Early Cement Additive for Approach (minimum bid \$8.00) \$ /	25	Cu.Yd.	\$8.00	\$200.00	\$8.00	\$200.00
05.320	Integral Color Additive - Ginger - HSBC ramp on Washington Street \$ /	16	Cu.Yd.	\$50.00	\$800.00	\$50.00	\$800.00
05.414	Sawing Concrete/Asphalt (<= 4 inch) sidewalk \$ /	500	Lin.Ft.	\$4.00	\$2,000.00	\$3.00	\$1,500.00
R07.104C	4" Granite Curb (straight) Driveway Closure \$ /	100	Lin.Ft.	\$40.00	\$4,000.00	\$35.00	\$3,500.00

Curb & Sidewalk Replacement @ City Owned Ramps - 2010, Group #710

ITEM NO.	ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS	APPROXIMATE QUANTITIES	UNIT	Contractor P & J Construction Co., Inc.		Contractor Destro & Brothers Concrete Co., Inc.	
				UNIT BID PRICE	TOTAL DOLLARS	UNIT BID PRICE	TOTAL DOLLARS
R07.105C	Granite Curb - NYSDOT Type "C" 5" x 16" Replacement \$ /	775	Lin.Ft.	\$40.00	\$31,000.00	\$35.00	\$27,125.00
R07.105RC	Granite Curb - NYSDOT Type "C" 5" x 16" Radius Replacement \$ /	70	Lin.Ft.	\$45.00	\$3,150.00	\$40.00	\$2,800.00
08.210	Slotted Corrugated Polyethylene Underdrain - 4" (minimum bid \$4.00) \$ /	1,130	Lin.Ft.	\$4.00	\$4,520.00	\$4.00	\$4,520.00
10.275	Street Lighting Pullbox (minimum bid \$400) \$ /	5	Each	\$400.00	\$2,000.00	\$400.00	\$2,000.00
10.998	Galvanized High Strength Couplings & Rods (minimum bid \$750) \$ /	8	Each Foundation	\$750.00	\$6,000.00	\$750.00	\$6,000.00
12.110	Maintenance & Protection of Traffic Fixed Bid \$	100%	As Necessary	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00
12.310	Galvanized Telspar Post - Purchase & Installation (minimum bid \$100.00) \$ /	25	Each	\$100.00	\$2,500.00	\$100.00	\$2,500.00
12.320	Parking Meter Posts - Purchase & Installation galvanized steel (minimum bid \$100.00) \$ /	18	Each	\$100.00	\$1,800.00	\$100.00	\$1,800.00
90.500	Miscellaneous Construction Allowance Fixed Bid \$	100%	As Necessary	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
680.620506	Conduit, Rigid Plastic - Class 1, 2" (minimum bid \$5.00) \$ /	825	Lin.Ft.	\$5.00	\$4,125.00	\$5.00	\$4,125.00
8502.5014	Saw Cutting Asphalt Pavement, Concrete Pavement & Asphalt Overlay on Concrete Pymt. 7 - ramps (minimum bid \$4.00) \$ /	1,225	Lin.Ft.	\$4.00	\$4,900.00	\$4.00	\$4,900.00
24608.50	Detectable Warning Surface - 7 Ramps 2' x 5' per ramp (minimum bid \$50.00) \$ /	70	Sq.Ft.	\$50.00	\$3,500.00	\$50.00	\$3,500.00
				*** \$185,825.00		\$186,815.00	

109

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated March 1, 2011, be received and filed; and

That the Commissioner of Public Works, Parks and Streets, be, and he hereby is authorized to award a contract for Curb and Sidewalk Replacement at City-owned Parking Ramps – 2010, Gr. #710, to P & J Construction Co., Inc., the lowest responsible bidder, in the amount of \$204,407.50 (Base Bid \$185,825.00 + an \$18,582.50 (10% Unit bid increase) = \$204,407.50). Funds for this project are available in the Parking Enterprise Fund #51008207-470010 and an account to be named at a later date.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	*
	*	9	0	*
	*	*	*	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7



Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

3/2/11

in the Department of

Public Works

Division of

Water

to the Position of

Dispatcher

Permanent, Provisional, Temporary, Seasonal (Insert one)

PROVISIONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

MAXIMUM

(Enter Starting Salary) : Starting Salary of:

\$38,615

LAST JOB TITLE

Caulker

LAST DEPARTMENT

DPW

DATE 2/11

LAST SALARY

\$37,756

NAME

Robert Thompson

ADDRESS

45 Bremen St.

CITY & ZIP

Buffalo, NY 14213

LAST 4 DIGITS OF SSN. XXX-XX-1207

LAST JOB TITLE

LAST DEPARTMENT

DATE

LAST SALARY

NAME

ADDRESS

CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

53003721

BUDGET ACCT. OBJ.

411001 PROJ. ID

TITLE CODE NO

532W

SALARY RANGE OF POSITION

\$23,169-\$38,615

PERSONNEL REQ. NO

2010-55

PER YEAR DAY HOUR

YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

2/7/11

SIGNATURE OF APPOINTING AUTHORITY:

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)



Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

3/2/11

in the Department of

Public Works

Division of

Streets

to the Position of

Truck Driver

Permanent, Provisional, Temporary, Seasonal (Insert one)

PERMANENT

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

INTERMEDIATE

(Enter Starting Salary) : Starting Salary of:

\$22,468

LAST JOB TITLE
LAST DEPARTMENT
LAST SALARY

HEO
DPW
\$24,212

DATE 2/11

NAME
ADDRESS
CITY & ZIP

Joseph Muscarella
32 Julius St.
Buffalo, NY 14220

LAST 4 DIGITS OF SSN. XXX-XX-3996

LAST JOB TITLE
LAST DEPARTMENT
LAST SALARY

DATE

NAME
ADDRESS
CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE
BUDGET ACCT. OBJ.
SALARY RANGE OF POSITION

52002601
411001 PROJ. ID
\$22,468-\$37,447

TITLE CODE NO
PERSONNEL REQ. NO
PER YEAR DAY HOUR

6021
2010-94
YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:
TITLE OF APPOINTING AUTHORITY:
DATE:

Steven J. Stepniak
Commissioner
2/4/11

SIGNATURE OF APPOINTING AUTHORITY:

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

FROM THE COMMISSIONER OF ECONOMIC DEVELOPMENT AND PERMIT &
INSPECTION SERVICES

March 8, 2011

00016

114

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: 02/24/2011

FROM: DEPARTMENT: Permit and Inspection Services

SUBJECT: [Capital Projects Account Contract Increases
[
[
[

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

We are requesting the following contract increases:

From account #33650106/445100, please deduct \$6,659 and add to contract #93000665, for bulk sampling (by Paradigm).

From account #33650106/445100, please deduct \$75,000 and add to contract #93000248, for air sampling and project monitoring (by JMD).

SIGNATURE 
DEPARTMENT HEAD TITLE : Commissioner

13

15
Mr. Fontana moved:

That the above communication from the Commissioner of Permits and Inspections dated February 24, 2011, be received and filed; and

That the Commissioner of Permits and Inspections' request for the following contract increases is approved: (1) Deduction from Account #33650106/445100 in the amount of \$6,659 to be added to Contract #93000665 for bulk sampling by Paradigm and (2) deduction of \$75,000 from Account #33650106/445100 to be added to Contract Number 93000248 for air sampling and project monitoring by JMD.

Passed.

TAB:rmv

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	
	*	9	0	*
	*	*	*	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

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FROM THE COMMISSIONER OF PARKING

March 8, 2011

00017

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

118

TO: THE COMMON COUNCIL:
DATE: March 2, 2011
FROM: DEPARTMENT: Parking

SUBJECT: [Permit for use of State- owned property
[
[
[

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

I am requesting authorization to execute Skyway Use and Occupancy Permits, #50620, 51143 and 50656. This authorization would allow continued operation of these surface lots.

SIGNATURE



DEPARTMENT HEAD TITLE : Commissioner

14

Original Owner ☐
Original Tenant ☐
Airspace Occupant ☒
Subsequent Occupant ☐ 120

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
OFFICE OF REAL ESTATE
PERMIT FOR USE OF STATE-OWNED PROPERTY

P.I.N. S019.00.201 Inventory No. _____ Permit Account No. 50620
Property Location Area under northbound Skyway ramp of I-190as per attached Appendix A (bounded by Upper Terrace, Pearl and West Seneca streets).
Project Interstate Route 506, Skyway-Thruway Ramp
Map No(s). various Parcel No(s). various County Erie
Town _____ City/Village Buffalo

THIS PERMIT, made this X _____ day of X _____, X 20 _____ between

City of Buffalo
City Hall
Buffalo, NY 14202

hereinafter referred to as "Permittee", and the COMMISSIONER OF TRANSPORTATION FOR THE PEOPLE OF THE STATE OF NEW YORK, hereinafter referred to as "the State",

WITNESSETH:

WHEREAS the State is the owner of the above identified property, hereinafter referred to as "property" or "premises"; and

WHEREAS the Permittee wishes to use and occupy said property;

NOW, THEREFORE, the State hereby grants this permit to the Permittee, subject to the following covenants and conditions:

1. The property covered by this permit shall be used only for the purpose of: **automobile parking**, and for no other purpose whatsoever.
2. The fee to be charged shall be: **40% of bid amount (see attached Additional Provision B)** per year beginning **April 1, 2011**.
3. Payment of fee is due on the first of the month unless otherwise stated. Fee must be paid by check, bank cashier's check or money order payable to "DEPARTMENT OF TRANSPORTATION" and mailed or delivered to:

New York State Department of Transportation
Revenue Unit, POD 5-2
50 Wolf Road
Albany, New York 12232

4. The Permittee understands and agrees that if the full amount of the fee as stated herein is not paid within thirty days from the date billed as indicated on the billing invoice, interest penalties and collection fees will be imposed under the provisions of Chapter 55 of the Laws of 1992.
5. The Permittee understands and agrees that the fee charged by the State may periodically be updated to reflect fair market value and the Permittee will enter into a new permit for the new fee if the Permittee wishes to remain in occupancy. Failure to execute a new permit will require Permittee to immediately vacate the premises.
6. The Permittee acknowledges the State's right to collect a security deposit. This sum will be retained as security to ensure faithful performance of the permit and compliance with all terms by the Permittee. The State hereby acknowledges receipt of \$ N/A received on N/A by

N/A

(Dept. Rep.'s Signature)

7. This permit supersedes the permit number **50620** issued to **City of Buffalo** in the amount of **\$1 payment waived per year** approved by the Director, Office of Real Estate on **1/19/1981**.
8. Permittee, at the Permittee's expense and for the term of the permit, shall furnish and show evidence of General Liability Insurance coverage issued by an insurance carrier licensed to do business in the State of New York for the protection of the State of New York and Permittee against any claims, suits, demands or judgments by reason of bodily injury, including death, and for any claims resulting in property damage occurring on or in proximity to the permit area.

Such General Liability Insurance shall be in the amount no less than **\$2,000,000.00 (Two million and 00/100 dollars)** (combined property damage and/or bodily injury, including death) single limit per occurrence, and shall name the People of the State of New York as an additional insured.

The Permittee will furnish the State with a certificate of insurance, with a (30) thirty day(s) prior written notice of any cancellation or major change in the policy conditions. The permit shall be voided if insurance is cancelled, modified or lapses.

Approval of this permit shall be contingent upon receipt, by the State, of a copy of a properly executed insurance certificate.

9. Permittee is responsible for any repairs, improvements or maintenance work of any kind on the property at Permittee's expense. The State may, at any time, periodically inspect the premises to determine whether same is in good repair and maintenance, structurally sound, and that no unsafe, hazardous, unsanitary, or defective conditions exist.
10. Permittee hereby agrees to admit State representatives and prospective purchasers or permittees to examine these premises during reasonable business hours.
11. Permittee shall not place or store, or allow others to place or store, any flammable, explosive hazardous, toxic or corrosive materials, debris of any description, garbage or any materials commonly referred to as "junk" within the permit area, except fuel kept in the fuel tanks of legally parked vehicles allowed under the terms of this permit. Failure to comply with this provision may result in a ten (10) days written notice of cancellation of the permit in accordance with Provision 16 of the permit. The Permittee is responsible for the removal of these materials and/or all expenses incurred in their removal.
12. All arrangements of services for utilities, removal of garbage, rubbish, litter, snow and ice will be made by the Permittee at the Permittee's expense, unless hereafter specified. The State shall have no responsibility to provide any services not specifically set forth in writing herein. Permittee shall comply with all local and State building standards/codes in the installation or repair of any utilities including but not limited to electricity and plumbing.

- 121
- Permittee is responsible for keeping and maintaining the premises in a safe and clean condition, for the regular and prompt removal of garbage, rubbish, litter, snow and ice. Permittee shall be responsible for preventing damages to the plumbing system and premises caused by lack of heat or water damage from leaks.
13. Permittee is responsible to maintain the occupancy in compliance with any and all applicable local, State, and Federal laws, ordinances, codes, rules and regulations affecting the use of the property. Permittee shall not conduct or allow any use or activity on the premises inconsistent with law and shall not conduct or allow any use or activity on the premises which may require a permit or other approval by a government agency without having lawfully obtained such permit or approval.
 14. The parties acknowledge that this instrument is not a lease but is merely a permit to occupy and use, and therefore a landlord tenant relationship is not hereby created; and further, that since this is not a lease, Section 5-321 of the General Obligations Law does not apply to this permit to the extent permitted by law.
 15. The State shall have no responsibility whatever for the loss or destruction of any improvements made by the Permittee or for personal property stored or being used on the premises.
 16. This permit shall be renewed automatically for successive terms of one month each unless canceled by either party. Cancellation by the State requires thirty (30) days written notice, except for cause, in which event cancellation can be effected on ten (10) days written notice. Permittee may cancel this permit by giving thirty (30) days written notice.
 17. Permittee shall not sublet the premises nor assign or transfer the permit to any other parties in part or in whole without the prior written consent of the State. Failure to comply with this provision may result in ten (10) days written notice of cancellation of the permit by the State, and the State may immediately take possession and terminate all rights of the Permittee as of such moment.
 18. It is understood and agreed by and between the parties that the Permittee ☐ will ☒ will not be entitled to any relocation benefits provided under State and Federal law.
 19. Permittee agrees and understands that the State is under no obligation to sell the property to the Permittee and that no commitment, express or implied, is made by the State to give the Permittee any preemptive right of purchase.
 20. In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non discrimination provisions, the Permittee will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, or marital status. Neither shall the Permittee discriminate in the use of the premises or any access thereto if such premises are used as a public accommodation or in connection with a public service.
 21. Permittee hereby agrees to indemnify and save harmless the State from any claim or loss including legal expenses by reason of the use or misuse of the premises under this permit and/or from any claim or loss by reason of any accident or damage to any person or property being on said premises, caused by Permittee, its employees, agents or invitees.
 22. If any of the provisions of this permit are held invalid, such invalidity shall not affect or impair other provisions herein which can be given effect without the invalid provisions, and to this end the provisions of this permit are severable.
 23. This permit shall not be effective unless accepted and approved in writing by the State.
 24. Additional provisions to permit: **See Page 5**

ACCEPTANCE:

In consideration of the granting of the permit, the undersigned accepts all of the above terms, conditions and provisions.

FOR: City of Buffalo
Corporation or Partnership

Fed. I.D. No. X

BY: X
Corporate Officer or Partner

TITLE: X

STATE OF X)

COUNTY OF X) SS:

On the X day of X in the year X 20 before me, the undersigned, a Notary Public in and for said State, personally appeared X, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

X
Notary Public

RECOMMENDED: _____ Date: _____
Regional Real Estate Officer

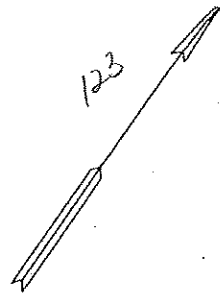
ACCEPTED and APPROVED: Commissioner of Transportation for the People of the State of New York

By: _____ Date: _____
Director, Office of Real Estate

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ADDITIONAL PROVISIONS TO PERMIT:

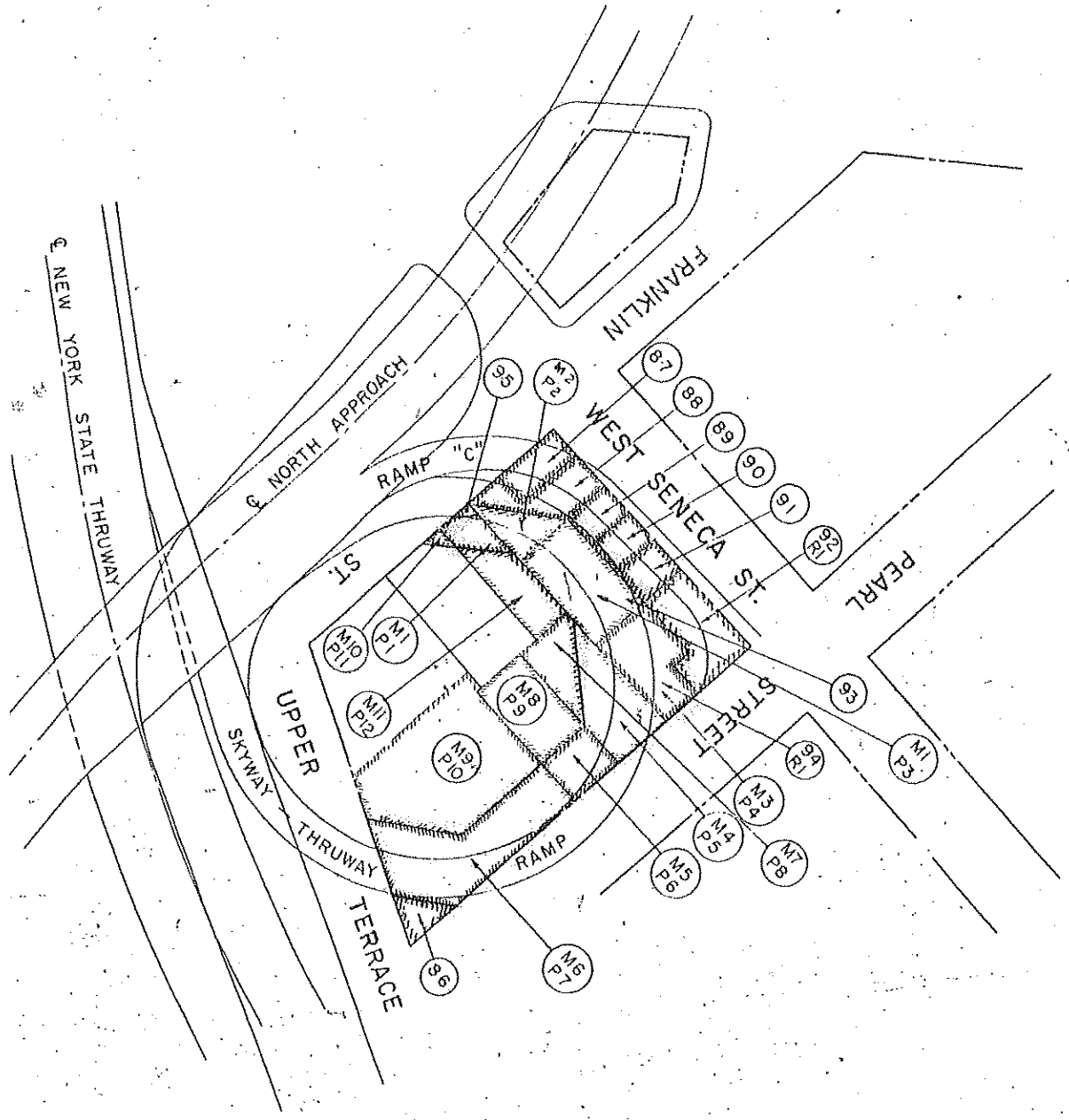
- A. The Permittee must limit use and occupancy to the State premises as delineated on attached Appendix A. This permit covers the area shown on the attachment exclusive of the area occupied by walls, columns, piers, or any other part of the highway structure located at ground level. In vertical dimension, it extends from the existing ground surface upward, however, as to any area under an elevated structure or within fifteen feet measured horizontally from such structure, the vertical dimensions shall be from the ground surface to a horizontal plane eight feet below the under side of the elevated structure.
- B. The purpose of this permit is to allow the permittee the right to sublease the State-owned/jurisdiction property; the sublease being at all times subject to the conditions of this permit. Rental consideration in this permit will be an amount equal to 40% of the total rent received by the permittee for use and occupancy of the entire property as supported by a valid lease. The permittee is liable for rent at the beginning date of their sublease.
- C. THE PERMITTEE MUST OBTAIN A N.Y.S. DEPARTMENT OF TRANSPORTATION HIGHWAY WORK PERMIT PRIOR TO ENTERING THE STATE PREMISES WHEN ANY WORK IS TO BE PERFORMED ON THE STATE PREMISES.
- D. The Permittee accepts the State premises in its "as is" condition. The State makes no representation as to the absence of underground storage tanks, contaminated soils, hazardous waste, structures, or any other unknown features or similar underground impediments. Should the Permittee find some underground impediments, the State shall not be responsible or obligated to remove, remedy, or otherwise deal with such impediments or clean-ups. The State will allow the Permittee to rectify the situation using accepted engineering practices that are approved by the N.Y.S. Department of Transportation. Should the Permittee determine that such unforeseen underground impediments render the Permittee's work infeasible, the Permittee shall have the option of restoring the State premises to its original condition and not performing such work.
- E. Upon termination of this permit, the Permittee shall return the subject State premises to its original condition, or to a condition acceptable to the N.Y.S. Department of Transportation.
- F. No lights, wires, signs or any other fixtures may be attached to the highway structure, including supporting columns.
- G. Any access from this area to a city street shall be established and maintained at locations and in a manner approved by the Commissioner and by the City of Buffalo and the Department of Transportation.
- H. No signs shall be permitted except those required to conduct parking operation. Advertising of any nature will be prohibited in the permit area. Permittee will not permit the placing, parking, or storing of vehicles, equipment, or other material within five feet of any column or other structure supporting the highway structure and will provide and maintain means of protecting such supporting columns in a manner approved by the Commissioner.
- I. Fencing, if any, will be fireproof material and will facilitate natural ventilation.
- J. The permittee shall assume all liability for damage, theft, pilferage or vandalism caused to any vehicles or other property.
- K. If it is found necessary that additional reasonable barricades be installed or other protective measures should be taken to protect the structure or pedestrians, the permittee must comply within ten days.
- L. The Commissioner reserves the right and privilege of access to and from the area when it deems it is reasonable or necessary to maintain, paint, or repair any part of the structure and upon request the permittee agrees it will not only allow access but will also close such areas designated by the State as needed for these purposes.
- M. The permittee agrees that it will hold the State completely harmless from any and all liability which may be asserted or claimed against it caused by the seepage of any salt or other materials used by the State on the surface or pavement of the structure which may fall and cause damage to vehicles or equipment. It is the sole responsibility of the permittee to determine when various parts of the parking lot or all of it must be closed to avoid such damage.
- N. Any improvements or amenities are subject to the approval of the Commissioner of Transportation or his representatives. The Permittee shall maintain any other structures constructed by the Permittee in the permit area. These structures, however, erected and constructed, shall remain the personal property of the Permittee, and shall be removed by the Permittee at no cost to the State, upon the termination of this permit.

- O. The Permittee shall provide sufficient vertical and horizontal clearance for any reconstruction, maintenance, ventilation and safety of the highway facilities.
- P. The Permittee shall hold the State of New York and/or the Department of Transportation and/or the Commissioner and his representatives and employees harmless from any liability for injury or damages caused by falling objects such as ice, snow, bridge parts and appurtenances, gravel, stone and miscellaneous debris resulting from the maintenance and/or operation of the arterial structure. To this end, the Permittee shall furnish the State with Certificate of Insurance for the duration of this permit



APPENDIX A

PERMIT #50620



124
Original Owner ☐
Original Tenant ☐
Airspace Occupant ☒
Subsequent Occupant ☐

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
OFFICE OF REAL ESTATE
PERMIT FOR USE OF STATE-OWNED PROPERTY

P.I.N. S019.00.201 Inventory No. _____ Permit Account No. 51143
Property Location Bounded by Seneca, Lower Terrace, Franklin, and Thruway right-of-way (as per attached Appendix A)
Project Buffalo Skyway Bridge-FAC 53-14 Fuhrmann Blvd. Art.
Map No(s). various Parcel No(s). various County Erie
Town _____ City/Village Buffalo

THIS PERMIT, made this X _____ day of X _____, X 20____ between

City of Buffalo
City Hall
Buffalo, NY 14202

hereinafter referred to as "Permittee", and the COMMISSIONER OF TRANSPORTATION FOR THE PEOPLE OF THE STATE OF NEW YORK, hereinafter referred to as "the State",

WITNESSETH:

WHEREAS the State is the owner of the above identified property, hereinafter referred to as "property" or "premises"; and

WHEREAS the Permittee wishes to use and occupy said property;

NOW, THEREFORE, the State hereby grants this permit to the Permittee, subject to the following covenants and conditions:

1. The property covered by this permit shall be used only for the purpose of: **automobile parking**, and for no other purpose whatsoever.
2. The fee to be charged shall be: **50% of bid amount (see attached Additional Provision B)** per year beginning **April 1, 2011**
3. Payment of fee is due on the first of the month unless otherwise stated. Fee must be paid by check, bank cashier's check or money order payable to "DEPARTMENT OF TRANSPORTATION" and mailed or delivered to:

New York State Department of Transportation
Revenue Unit, POD 5-2
50 Wolf Road
Albany, New York 12232

4. The Permittee understands and agrees that if the full amount of the fee as stated herein is not paid within thirty days from the date billed as indicated on the billing invoice, interest penalties and collection fees will be imposed under the provisions of Chapter 55 of the Laws of 1992.
5. The Permittee understands and agrees that the fee charged by the State may periodically be updated to reflect fair market value and the Permittee will enter into a new permit for the new fee if the Permittee wishes to remain in occupancy. Failure to execute a new permit will require Permittee to immediately vacate the premises.
6. The Permittee acknowledges the State's right to collect a security deposit. This sum will be retained as security to ensure faithful performance of the permit and compliance with all terms by the Permittee. The State hereby acknowledges receipt of \$ N/A received on N/A by

N/A

(Dept. Rep.'s Signature)

7. This permit supersedes the permit number **50656** issued to **City of Buffalo** in the amount of **\$1 payment waived per year** approved by the Director, Office of Real Estate on **4/23/1982**.
8. Permittee, at the Permittee's expense and for the term of the permit, shall furnish and show evidence of General Liability Insurance coverage issued by an insurance carrier licensed to do business in the State of New York for the protection of the State of New York and Permittee against any claims, suits, demands or judgments by reason of bodily injury, including death, and for any claims resulting in property damage occurring on or in proximity to the permit area.

Such General Liability Insurance shall be in the amount no less than **\$2,000,000.00 (Two million and 00/100 dollars)** (combined property damage and/or bodily injury, including death) single limit per occurrence, and shall name the People of the State of New York as an additional insured.

The Permittee will furnish the State with a certificate of insurance, with a (30) thirty day(s) prior written notice of any cancellation or major change in the policy conditions. The permit shall be voided if insurance is cancelled, modified or lapses.

Approval of this permit shall be contingent upon receipt, by the State, of a copy of a properly executed insurance certificate.

9. Permittee is responsible for any repairs, improvements or maintenance work of any kind on the property at Permittee's expense. The State may, at any time, periodically inspect the premises to determine whether same is in good repair and maintenance, structurally sound, and that no unsafe, hazardous, unsanitary, or defective conditions exist.
10. Permittee hereby agrees to admit State representatives and prospective purchasers or permittees to examine these premises during reasonable business hours.
11. Permittee shall not place or store, or allow others to place or store, any flammable, explosive hazardous, toxic or corrosive materials, debris of any description, garbage or any materials commonly referred to as "junk" within the permit area, except fuel kept in the fuel tanks of legally parked vehicles allowed under the terms of this permit. Failure to comply with this provision may result in a ten (10) days written notice of cancellation of the permit in accordance with Provision 16 of the permit. The Permittee is responsible for the removal of these materials and/or all expenses incurred in their removal.
12. All arrangements of services for utilities, removal of garbage, rubbish, litter, snow and ice will be made by the Permittee at the Permittee's expense, unless hereafter specified. The State shall have no responsibility to provide any services not specifically set forth in writing herein. Permittee shall comply with all local and State building standards/codes in the installation or repair of any utilities including but not limited to electricity and plumbing.

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Permittee is responsible for keeping and maintaining the premises in a safe and clean condition, for the regular and prompt removal of garbage, rubbish, litter, snow and ice. Permittee shall be responsible for preventing damages to the plumbing system and premises caused by lack of heat or water damage from leaks.

13. Permittee is responsible to maintain the occupancy in compliance with any and all applicable local, State, and Federal laws, ordinances, codes, rules and regulations affecting the use of the property. Permittee shall not conduct or allow any use or activity on the premises inconsistent with law and shall not conduct or allow any use or activity on the premises which may require a permit or other approval by a government agency without having lawfully obtained such permit or approval.
14. The parties acknowledge that this instrument is not a lease but is merely a permit to occupy and use, and therefore a landlord tenant relationship is not hereby created; and further, that since this is not a lease, Section 5-321 of the General Obligations Law does not apply to this permit to the extent permitted by law.
15. The State shall have no responsibility whatever for the loss or destruction of any improvements made by the Permittee or for personal property stored or being used on the premises.
16. This permit shall be renewed automatically for successive terms of one month each unless canceled by either party. Cancellation by the State requires thirty (30) days written notice, except for cause, in which event cancellation can be effected on ten (10) days written notice. Permittee may cancel this permit by giving thirty (30) days written notice.
17. Permittee shall not sublet the premises nor assign or transfer the permit to any other parties in part or in whole without the prior written consent of the State. Failure to comply with this provision may result in ten (10) days written notice of cancellation of the permit by the State, and the State may immediately take possession and terminate all rights of the Permittee as of such moment.
18. It is understood and agreed by and between the parties that the Permittee ☐ will ☒ will not be entitled to any relocation benefits provided under State and Federal law.
19. Permittee agrees and understands that the State is under no obligation to sell the property to the Permittee and that no commitment, express or implied, is made by the State to give the Permittee any preemptive right of purchase.
20. In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non discrimination provisions, the Permittee will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, or marital status. Neither shall the Permittee discriminate in the use of the premises or any access thereto if such premises are used as a public accommodation or in connection with a public service.
21. Permittee hereby agrees to indemnify and save harmless the State from any claim or loss including legal expenses by reason of the use or misuse of the premises under this permit and/or from any claim or loss by reason of any accident or damage to any person or property being on said premises, caused by Permittee, its employees, agents or invitees.
22. If any of the provisions of this permit are held invalid, such invalidity shall not affect or impair other provisions herein which can be given effect without the invalid provisions, and to this end the provisions of this permit are severable.
23. This permit shall not be effective unless accepted and approved in writing by the State.
24. Additional provisions to permit: **See Page 5**

ACCEPTANCE:

In consideration of the granting of the permit, the undersigned accepts all of the above terms, conditions and provisions.

FOR: City of Buffalo
Corporation or Partnership

Fed. I.D. No. X

BY: X
Corporate Officer or Partner

TITLE: X

STATE OF X)

COUNTY OF X) SS:

On the X day of X in the year X 20 before me, the undersigned, a Notary Public in and for said State, personally appeared X, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

X
Notary Public

RECOMMENDED: _____ Date: _____
Regional Real Estate Officer

ACCEPTED and APPROVED: Commissioner of Transportation for the People of the State of New York

By: _____ Date: _____
Director, Office of Real Estate

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ADDITIONAL PROVISIONS TO PERMIT:

- A. The Permittee must limit use and occupancy to the State premises as delineated on attached Appendix A. This permit covers the area shown on the attachment exclusive of the area occupied by walls, columns, piers, or any other part of the highway structure located at ground level. In vertical dimension, it extends from the existing ground surface upward, however, as to any area under an elevated structure or within fifteen feet measured horizontally from such structure, the vertical dimensions shall be from the ground surface to a horizontal plane eight feet below the under side of the elevated structure.
- B. The purpose of this permit is to allow the permittee the right to sublease the State-owned/jurisdiction property; the sublease being at all times subject to the conditions of this permit. Rental consideration in this permit will be an amount equal to 50% of the total rent received by the permittee for use and occupancy of the entire property as supported by a valid lease. The permittee is liable for rent at the beginning date of their sublease.
- C. THE PERMITTEE MUST OBTAIN A N.Y.S. DEPARTMENT OF TRANSPORTATION HIGHWAY WORK PERMIT PRIOR TO ENTERING THE STATE PREMISES WHEN ANY WORK IS TO BE PERFORMED ON THE STATE PREMISES.
- D. The Permittee accepts the State premises in its "as is" condition. The State makes no representation as to the absence of underground storage tanks, contaminated soils, hazardous waste, structures, or any other unknown features or similar underground impediments. Should the Permittee find some underground impediments, the State shall not be responsible or obligated to remove, remedy, or otherwise deal with such impediments or clean-ups. The State will allow the Permittee to rectify the situation using accepted engineering practices that are approved by the N.Y.S. Department of Transportation. Should the Permittee determine that such unforeseen underground impediments render the Permittee's work infeasible, the Permittee shall have the option of restoring the State premises to its original condition and not performing such work.
- E. Upon termination of this permit, the Permittee shall return the subject State premises to its original condition, or to a condition acceptable to the N.Y.S. Department of Transportation.
- F. No lights, wires, signs or any other fixtures may be attached to the highway structure, including supporting columns.
- G. Any access from this area to a city street shall be established and maintained at locations and in a manner approved by the Commissioner and by the City of Buffalo and the Department of Transportation.
- H. No signs shall be permitted except those required to conduct parking operation. Advertising of any nature will be prohibited in the permit area. Permittee will not permit the placing, parking, or storing of vehicles, equipment, or other material within five feet of any column or other structure supporting the highway structure and will provide and maintain means of protecting such supporting columns in a manner approved by the Commissioner.
- I. Fencing, if any, will be fireproof material and will facilitate natural ventilation.
- J. The permittee shall assume all liability for damage, theft, pilferage or vandalism caused to any vehicles or other property.
- K. If it is found necessary that additional reasonable barricades be installed or other protective measures should be taken to protect the structure or pedestrians, the permittee must comply within ten days.
- L. The Commissioner reserves the right and privilege of access to and from the area when it deems it is reasonable or necessary to maintain, paint, or repair any part of the structure and upon request the permittee agrees it will not only allow access but will also close such areas designated by the State as needed for these purposes.
- M. The permittee agrees that it will hold the State completely harmless from any and all liability which may be asserted or claimed against it caused by the seepage of any salt or other materials used by the State on the surface or pavement of the structure which may fall and cause damage to vehicles or equipment. It is the sole responsibility of the permittee to determine when various parts of the parking lot or all of it must be closed to avoid such damage.
- N. Any improvements or amenities are subject to the approval of the Commissioner of Transportation or his representatives. The Permittee shall maintain any other structures constructed by the Permittee in the permit area. These structures, however, erected and constructed, shall remain the personal property of the Permittee, and shall be removed by the Permittee at no cost to the State, upon the termination of this permit.

- O. The Permittee shall provide sufficient vertical and horizontal clearance for any reconstruction, maintenance, ventilation and safety of the highway facilities.
- P. The Permittee shall hold the State of New York and/or the Department of Transportation and/or the Commissioner and his representatives and employees harmless from any liability for injury or damages caused by falling objects such as ice, snow, bridge parts and appurtenances, gravel, stone and miscellaneous debris resulting from the maintenance and/or operation of the arterial structure. To this end, the Permittee shall furnish the State with Certificate of Insurance for the duration of this permit.

APPENDIX A

Permit# 51143 (Area #1 only (as highlighted)):
Block bounded by Seneca, Lower Terrace,
Franklin, and Thruway right-of-way.

AREA 1

The map is a hand-drawn site plan of a city block. The streets shown are Seneca Street (top), Lower Terrace (right), Franklin Street (bottom), and Thruway Right-of-Way (left). The block contains several rectangular lots, some of which are marked with small squares representing 'PIERS'. A legend indicates that these squares represent 'PIERS'. The block is divided into several sections by streets and alleys. A shaded area is labeled 'AREA 1'. The map also shows 'CURB LINE' and 'R.O.W.' (Right-of-Way) lines. The text 'APPENDIX A' is written vertically on the left side. The text 'Permit# 51143 (Area #1 only (as highlighted)):' is written at the top left. The text 'Block bounded by Seneca, Lower Terrace, Franklin, and Thruway right-of-way.' is written below the permit number. The text 'AREA 1' is written in the center of the block. The text 'PIERS' is written next to a small square symbol. The text 'CURB LINE' and 'R.O.W.' are written near the street lines. The text 'SENeca STREET', 'LOWER TERRACE', 'FRANKLIN STREET', and 'THRUWAY R.O.W.' are written along the respective streets.

AREA 1

11-1985

STREET

FRANKLIN

STREET

LOWER TERRACE

C W K B L N E

20

TE R R A C E

RECEIVED
MAY 19 1964

7 8242

RAIL ROAD

ENCLOSURE

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Original Owner ☐
Original Tenant ☐
Airspace Occupant ☒
Subsequent Occupant ☐

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
OFFICE OF REAL ESTATE
PERMIT FOR USE OF STATE-OWNED PROPERTY

P.I.N. S019.00.201 Inventory No. _____ Permit Account No. 50656
Property Location Area #2 bounded by railroad tracks, Pearl, Perry, and thruway right-of-way. Area #3 bounded by Perry, Pearl, Dante and Evans as per attached Appendix A.
Project Buffalo Skyway Bridge-FAC 53-14 Fuhrmann Blvd. Art.
Map No(s). various Parcel No(s). various County Erie
Town _____ City/Village Buffalo

THIS PERMIT, made this X _____ day of X _____, X 20____ between

City of Buffalo
City Hall
Buffalo, NY 14202

hereinafter referred to as "Permittee", and the COMMISSIONER OF TRANSPORTATION FOR THE PEOPLE OF THE STATE OF NEW YORK, hereinafter referred to as "the State",

WITNESSETH:

WHEREAS the State is the owner of the above identified property, hereinafter referred to as "property" or "premises"; and

WHEREAS the Permittee wishes to use and occupy said property;

NOW, THEREFORE, the State hereby grants this permit to the Permittee, subject to the following covenants and conditions:

1. The property covered by this permit shall be used only for the purpose of: **automobile parking**, and for no other purpose whatsoever.
2. The fee to be charged shall be **50% of bid amount (see attached Additional Provision B)** per year beginning **April 1, 2011**.
3. Payment of fee is due on the first of the month unless otherwise stated. Fee must be paid by check, bank cashier's check or money order payable to "DEPARTMENT OF TRANSPORTATION" and mailed or delivered to:

New York State Department of Transportation
Revenue Unit, POD 5-2
50 Wolf Road
Albany, New York 12232

4. The Permittee understands and agrees that if the full amount of the fee as stated herein is not paid within thirty days from the date billed as indicated on the billing invoice, interest penalties and collection fees will be imposed under the provisions of Chapter 55 of the Laws of 1992.
5. The Permittee understands and agrees that the fee charged by the State may periodically be updated to reflect fair market value and the Permittee will enter into a new permit for the new fee if the Permittee wishes to remain in occupancy. Failure to execute a new permit will require Permittee to immediately vacate the premises.
6. The Permittee acknowledges the State's right to collect a security deposit. This sum will be retained as security to ensure faithful performance of the permit and compliance with all terms by the Permittee. The State hereby acknowledges receipt of \$ N/A received on N/A by

N/A

(Dept. Rep.'s Signature)

7. This permit supersedes the permit number **50656** issued to **City of Buffalo** in the amount of **\$1 payment waived per year** approved by the Director, Office of Real Estate on **4/23/1982**.
8. Permittee, at the Permittee's expense and for the term of the permit, shall furnish and show evidence of General Liability Insurance coverage issued by an insurance carrier licensed to do business in the State of New York for the protection of the State of New York and Permittee against any claims, suits, demands or judgments by reason of bodily injury, including death, and for any claims resulting in property damage occurring on or in proximity to the permit area.

Such General Liability Insurance shall be in the amount no less than **\$2,000,000.00 (Two million and 00/100 dollars)** (combined property damage and/or bodily injury, including death) single limit per occurrence, and shall name the People of the State of New York as an additional insured.

The Permittee will furnish the State with a certificate of insurance, with a (30) thirty day(s) prior written notice of any cancellation or major change in the policy conditions. The permit shall be voided if insurance is cancelled, modified or lapses.

Approval of this permit shall be contingent upon receipt, by the State, of a copy of a properly executed insurance certificate.

9. Permittee is responsible for any repairs, improvements or maintenance work of any kind on the property at Permittee's expense. The State may, at any time, periodically inspect the premises to determine whether same is in good repair and maintenance, structurally sound, and that no unsafe, hazardous, unsanitary, or defective conditions exist.
10. Permittee hereby agrees to admit State representatives and prospective purchasers or permittees to examine these premises during reasonable business hours.
11. Permittee shall not place or store, or allow others to place or store, any flammable, explosive hazardous, toxic or corrosive materials, debris of any description, garbage or any materials commonly referred to as "junk" within the permit area, except fuel kept in the fuel tanks of legally parked vehicles allowed under the terms of this permit. Failure to comply with this provision may result in a ten (10) days written notice of cancellation of the permit in accordance with Provision 16 of the permit. The Permittee is responsible for the removal of these materials and/or all expenses incurred in their removal.
12. All arrangements of services for utilities, removal of garbage, rubbish, litter, snow and ice will be made by the Permittee at the Permittee's expense, unless hereafter specified. The State shall have no responsibility to provide any services not specifically set forth in writing herein. Permittee shall comply with all local and State building standards/codes in the installation or repair of any utilities including but not limited to electricity and plumbing.

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Permittee is responsible for keeping and maintaining the premises in a safe and clean condition, for the regular and prompt removal of garbage, rubbish, litter, snow and ice. Permittee shall be responsible for preventing damages to the plumbing system and premises caused by lack of heat or water damage from leaks.

13. Permittee is responsible to maintain the occupancy in compliance with any and all applicable local, State, and Federal laws, ordinances, codes, rules and regulations affecting the use of the property. Permittee shall not conduct or allow any use or activity on the premises inconsistent with law and shall not conduct or allow any use or activity on the premises which may require a permit or other approval by a government agency without having lawfully obtained such permit or approval.
14. The parties acknowledge that this instrument is not a lease but is merely a permit to occupy and use, and therefore a landlord tenant relationship is not hereby created; and further, that since this is not a lease, Section 5-321 of the General Obligations Law does not apply to this permit to the extent permitted by law.
15. The State shall have no responsibility whatever for the loss or destruction of any improvements made by the Permittee or for personal property stored or being used on the premises.
16. This permit shall be renewed automatically for successive terms of one month each unless canceled by either party. Cancellation by the State requires thirty (30) days written notice, except for cause, in which event cancellation can be effected on ten (10) days written notice. Permittee may cancel this permit by giving thirty (30) days written notice.
17. Permittee shall not sublet the premises nor assign or transfer the permit to any other parties in part or in whole without the prior written consent of the State. Failure to comply with this provision may result in ten (10) days written notice of cancellation of the permit by the State, and the State may immediately take possession and terminate all rights of the Permittee as of such moment.
18. It is understood and agreed by and between the parties that the Permittee ☐ will ☒ will not be entitled to any relocation benefits provided under State and Federal law.
19. Permittee agrees and understands that the State is under no obligation to sell the property to the Permittee and that no commitment, express or implied, is made by the State to give the Permittee any preemptive right of purchase.
20. In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non discrimination provisions, the Permittee will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, or marital status. Neither shall the Permittee discriminate in the use of the premises or any access thereto if such premises are used as a public accommodation or in connection with a public service.
21. Permittee hereby agrees to indemnify and save harmless the State from any claim or loss including legal expenses by reason of the use or misuse of the premises under this permit and/or from any claim or loss by reason of any accident or damage to any person or property being on said premises, caused by Permittee, its employees, agents or invitees.
22. If any of the provisions of this permit are held invalid, such invalidity shall not affect or impair other provisions herein which can be given effect without the invalid provisions, and to this end the provisions of this permit are severable.
23. This permit shall not be effective unless accepted and approved in writing by the State.
24. Additional provisions to permit: **See Page 5**

ACCEPTANCE:

In consideration of the granting of the permit, the undersigned accepts all of the above terms, conditions and provisions.

FOR: City of Buffalo
Corporation or Partnership

Fed. I.D. No. X

BY: X
Corporate Officer or Partner

TITLE: X

STATE OF X)

COUNTY OF X) SS:

On the X day of X in the year X 20 before me, the undersigned, a Notary Public in and for said State, personally appeared X, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

X
Notary Public

RECOMMENDED: _____ Date: _____
Regional Real Estate Officer

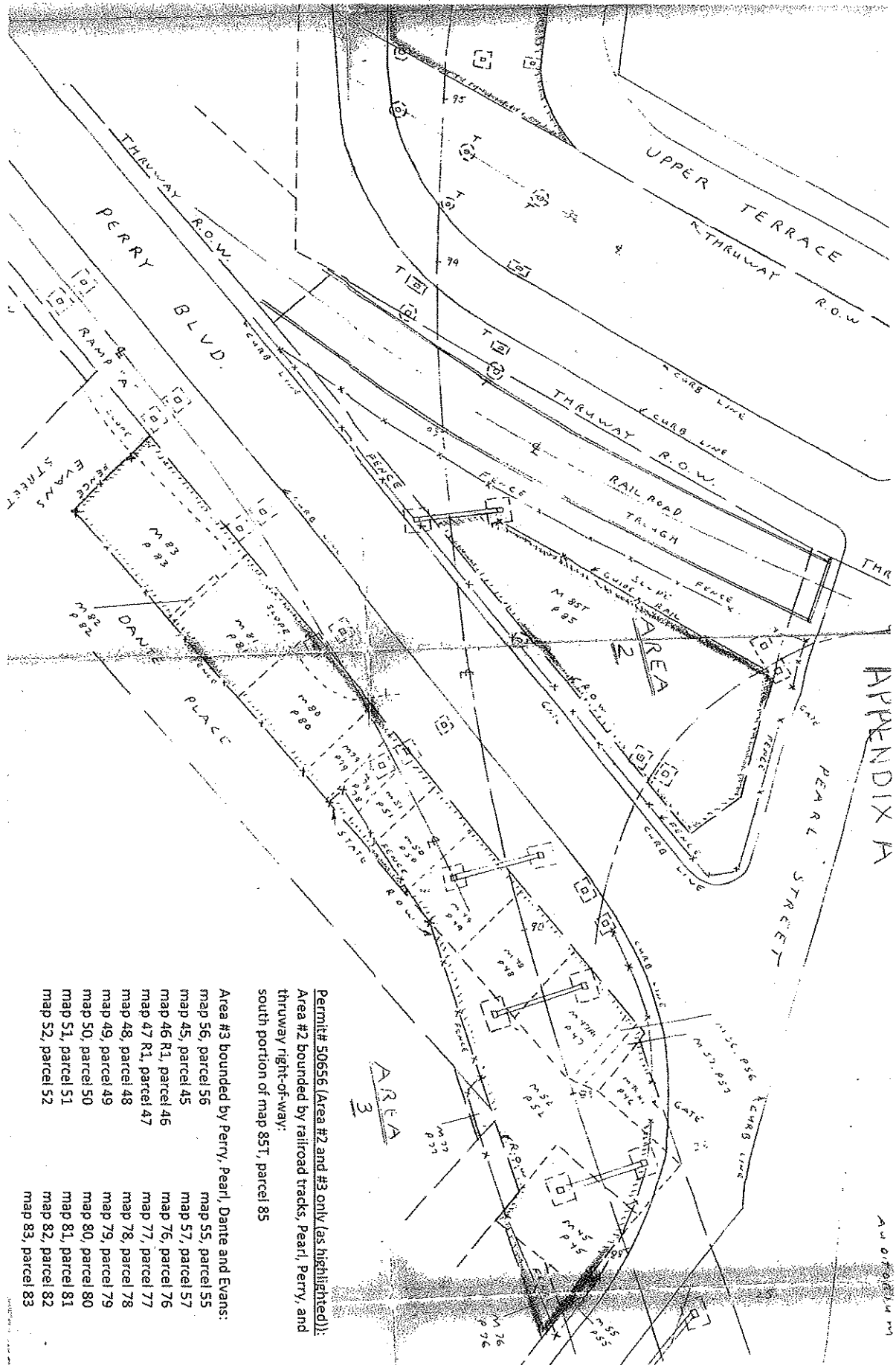
ACCEPTED and APPROVED: Commissioner of Transportation for the People of the State of New York

By: _____ Date: _____
Director, Office of Real Estate

ADDITIONAL PROVISIONS TO PERMIT:

- 130
- A. The Permittee must limit use and occupancy to the State premises as delineated on attached Appendix A. This permit covers the area shown on the attachment exclusive of the area occupied by walls, columns, piers, or any other part of the highway structure located at ground level. In vertical dimension, it extends from the existing ground surface upward, however, as to any area under an elevated structure or within fifteen feet measured horizontally from such structure, the vertical dimensions shall be from the ground surface to a horizontal plane eight feet below the under side of the elevated structure.
 - B. The purpose of this permit is to allow the permittee the right to sublease the State-owned/jurisdiction property; the sublease being at all times subject to the conditions of this permit. Rental consideration in this permit will be an amount equal to 50% of the total rent received by the permittee for use and occupancy of the entire property as supported by a valid lease. The permittee is liable for rent at the beginning date of their sublease.
 - C. THE PERMITTEE MUST OBTAIN A N.Y.S. DEPARTMENT OF TRANSPORTATION HIGHWAY WORK PERMIT PRIOR TO ENTERING THE STATE PREMISES WHEN ANY WORK IS TO BE PERFORMED ON THE STATE PREMISES.
 - D. The Permittee accepts the State premises in its "as is" condition. The State makes no representation as to the absence of underground storage tanks, contaminated soils, hazardous waste, structures, or any other unknown features or similar underground impediments. Should the Permittee find some underground impediments, the State shall not be responsible or obligated to remove, remedy, or otherwise deal with such impediments or clean-ups. The State will allow the Permittee to rectify the situation using accepted engineering practices that are approved by the N.Y.S. Department of Transportation. Should the Permittee determine that such unforeseen underground impediments render the Permittee's work infeasible, the Permittee shall have the option of restoring the State premises to its original condition and not performing such work.
 - E. Upon termination of this permit, the Permittee shall return the subject State premises to its original condition, or to a condition acceptable to the N.Y.S. Department of Transportation.
 - F. No lights, wires, signs or any other fixtures may be attached to the highway structure, including supporting columns.
 - G. Any access from this area to a city street shall be established and maintained at locations and in a manner approved by the Commissioner and by the City of Buffalo and the Department of Transportation.
 - H. No signs shall be permitted except those required to conduct parking operation. Advertising of any nature will be prohibited in the permit area. Permittee will not permit the placing, parking, or storing of vehicles, equipment, or other material within five feet of any column or other structure supporting the highway structure and will provide and maintain means of protecting such supporting columns in a manner approved by the Commissioner.
 - I. Fencing, if any, will be fireproof material and will facilitate natural ventilation.
 - J. The permittee shall assume all liability for damage, theft, pilferage or vandalism caused to any vehicles or other property.
 - K. If it is found necessary that additional reasonable barricades be installed or other protective measures should be taken to protect the structure or pedestrians, the permittee must comply within ten days.
 - L. The Commissioner reserves the right and privilege of access to and from the area when it deems it is reasonable or necessary to maintain, paint, or repair any part of the structure and upon request the permittee agrees it will not only allow access but will also close such areas designated by the State as needed for these purposes.
 - M. The permittee agrees that it will hold the State completely harmless from any and all liability which may be asserted or claimed against it caused by the seepage of any salt or other materials used by the State on the surface or pavement of the structure which may fall and cause damage to vehicles or equipment. It is the sole responsibility of the permittee to determine when various parts of the parking lot or all of it must be closed to avoid such damage.
 - N. Any improvements or amenities are subject to the approval of the Commissioner of Transportation or his representatives. The Permittee shall maintain any other structures constructed by the Permittee in the permit area. These structures, however, erected and constructed, shall remain the personal property of the Permittee, and shall be removed by the Permittee at no cost to the State, upon the termination of this permit.

- O. The Permittee shall provide sufficient vertical and horizontal clearance for any reconstruction, maintenance, ventilation and safety of the highway facilities.
- P. The Permittee shall hold the State of New York and/or the Department of Transportation and/or the Commissioner and his representatives and employees harmless from any liability for injury or damages caused by falling objects such as ice, snow, bridge parts and appurtenances, gravel, stone and miscellaneous debris resulting from the maintenance and/or operation of the arterial structure. To this end, the Permittee shall furnish the State with Certificate of Insurance for the duration of this permit



APPENDIX A

Permit# 50656 (Area #2 and #3 only (as highlighted)):
 Area #2 bounded by railroad tracks, Pearl, Perry, and thruway right-of-way:
 south portion of map 85T, parcel 85

Area #3 bounded by Perry, Pearl, Dante and Evans:
 map 56, parcel 56
 map 55, parcel 55
 map 45, parcel 45
 map 46 R1, parcel 46
 map 47 R1, parcel 47
 map 48, parcel 48
 map 49, parcel 49
 map 50, parcel 50
 map 51, parcel 51
 map 52, parcel 52

map 57, parcel 57
 map 76, parcel 76
 map 77, parcel 77
 map 78, parcel 78
 map 79, parcel 79
 map 80, parcel 80
 map 81, parcel 81
 map 82, parcel 82
 map 83, parcel 83

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Mr. Fontana moved:

That the above communication from the Commissioner of Parking dated March 2, 2011, be received and filed; and

That the Commissioner of Parking is authorized to execute Skyway Use and Occupancy Permits #50620, 51143 and 50656 upon the terms and conditions contained in said Permits as attached to the above communication.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	
	*	9	0	*
	*	*	*	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

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FROM THE COMMISSIONER OF HUMAN RESOURCES

March 8, 2011

00018

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SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: FEBRUARY 23, 2011
FROM: DEPARTMENT: DEPARTMENT OF HUMAN RESOURCES
DIVISION OF COMPENSATION & BENEFITS

SUBJECT: [:CONTRACT
[:GREAT LAKES PHYSICIANS SERVICES
[:INJURED ON DUTY (IOD) FOR POLICE AND
[:FIREFIGHTERS

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

The Department of Human Resources/Division of Compensation & Benefits, has selected Great Lakes Physician Services for our Injured on Duty (IOD) process for the City of Buffalo Police and Firefighters. Great Lakes Physician Services will evaluate all injured on duty employees (Case Management) and provide timely access to medical providers, recommend light duty work; provide guidance for recommending Independent Medical Exam (IME) and/or surveillance. In addition Great Lakes Physician Services will provide weekly meetings with the City departments to review new/old cases.

The Department of Human Resources/Division of Compensation & Benefits respectfully requests authorization from the Common Council to enter into contract with Great Lakes Physicians for the administration of IOD implementation for the City of Buffalo Police and Firefighters.

The proposed contract will begin as soon as possible and terminate with the expiration period of one year commencing on day of full execution and approvals.

SIGNATURE



DEPARTMENT HEAD TITLE : OLIVIA A. LICATA
ACTING COMMISSIONER OF HUMAN RESOURCES

REFERRED TO THE COMMITTEE
ON FINANCE.

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**EMPLOYEE HEALTH AND WELLNESS
MEDICAL CONSULTANT AND CASE MANAGEMENT CONTRACT**

This Contract, made as of the _____ day of January, 2010 by and between the City of Buffalo, a municipal corporation organized under the laws of the State of New York with its principal office at 65 Niagara Square, Buffalo, New York (hereinafter the "City") through its Human Resources Department, and Be Well Healthcare Medicine, PLLC ("BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES") a Professional Limited Liability d/b/a Company Great Lakes Physician Services with offices located at 462 Grider Street, Buffalo, New York 14215.

WITNESSETH:

WHEREAS, on August 23, 2010, the City issued a Request for Proposals ("RFP") seeking submissions from all interested parties to provide services as an employee health and wellness medical consultant for the Human Resources Department, Buffalo Police Department and the Buffalo Fire Department, a copy of which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, on September 9, 2010 University Emergency Medical Services, Inc., Occupational Health ("UEMS") submitted a proposal to the City to perform the aforesaid services, and the proposal has been found acceptable by the City and is incorporated herein and made a part hereof as Exhibit B; and

WHEREAS, UEMS has agreed to transfer its Occupational Health Medicine Practice to BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES; and

WHEREAS, David P. Hughes, M.D., who is currently the Manager of the UEMS Occupational Health Medicine Practice will continue to manage this Practice through BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES; and

WHEREAS, BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES will continue to operate the Occupational Health Medicine Practice at the same location where UEMS has operated said Practice and will be doing business as Company Great Lakes Physician Services ; and

WHEREAS, it is anticipated that the UEMS employees employed by UEMS in its Occupational Health Medicine Practice will continue to be employed by BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES; and

WHEREAS, it is anticipated that there will be no change in the level of medical services provided after the transfer of the Occupational Health Medicine Practice from UEMS to BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES; and

WHEREAS, the City requires the services of BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES to provide services as an employee health and wellness medical consultant for the Buffalo Police Department and the Buffalo Fire Department; and

201 JAN 12 PM 2:35

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WHEREAS, it is in the best interests of the City and The City of Buffalo Human Resources Department to engage the services of BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES d/b/a Company Great Lakes Physician Services as an employee health and wellness medical consultant.

NOW, THEREFORE, in consideration of the mutual agreements set forth below the parties agree as follows:

1. PURPOSE

The contents of this Contract are exclusive between the parties and not available to other parties within or outside the City of Buffalo Police Department and Fire Departments.

2. DESCRIPTION OF SERVICES AND COMPENSATION

CONSULTATION

(A) BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES will provide consultative services to the City and will have direct involvement in the following aspects of employee health for the City as follows:

1. Injured On Duty ("IOD") process development and implementation including:
 - a. Reporting process/time by employee and supervisors.
 - b. Review of initial reports.
 - c. Provide timely access to medical providers.
 - d. Consult on collective bargaining aspects of IOD issues.
2. Weekly IOD meetings with City departments to review new/old cases:
 - a. Recommendations regarding light duty.
 - b. Recommendations for filing Retirement and Social Security Law 363-c applications.
 - c. Guidance for recommending IME or surveillance
 - d. Approval recommendations for General Municipal Law 207a or 207c applications.
3. Direct communication between BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES and the third party administrator:
 - a. Involvement in approval of applications.
 - b. Involvement in long case management.
 - c. Recommendations for IME.
4. Wellness program development as a means to change culture:
 - a. Involvement in program initiation.
 - b. Recommendations for grant applications.
 - c. Program recommendations to mirror ongoing initiatives within the City at private companies and municipalities.
5. Substance abuse policy development:
 - a. Involvement in collective bargaining process to institute policy.

- b. Random testing policy.
 - c. Post-accident policy.
- 6. Coordination of IME's:
 - a. Recommendation regarding need and timing of IME.
 - b. Review of all IME reports.
 - c. IME referrals.
- 7. Provision of medical records access in compliance with HIPAA.
- 8. Evaluate trends for injury prevention:
 - a. In conjunction with third party administrator review injury trends.
 - b. Assist in development of safety and prevention programs.
- 9. Light duty program:
 - a. Evaluate current light duty programs.
 - b. Recommend expansion or contraction of program.
 - c. Review individual cases for length in program and permanency.
- 10. Quarterly stewardship reports in conjunction with Third Party Administrator.
- 11. BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES will establish long-term strategic objectives in dealing with the safety and welfare of City employees. BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES will also be involved in long-term strategic planning as it relates to each of the union collective bargaining agreements.

(B) BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES will provide services to the City on a fee for service basis as follows:

- 1. Fitness for duty evaluations by medical providers to assess capabilities of injured or ill employees:
 - a. Recommendations regarding light duty.
 - b. Recommendations regarding accommodations.
 - c. Review of all requests for accommodation.
- 2. Individualized service to the City:
 - a. BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES will provide direct consultative service to each department within the city.
 - b. Our offices have dedicated Physician Assistants, Nurse Practitioners, Office Technicians and administrative staff.
 - c. Off-site professional medical services (MD, PA, NP) available.
- 3. Emergency treatment provided 24/7 to City employees at ECMC:
 - a. All employees registered as workers' compensation (General Municipal Law 207a or 207c) will have records faxed to each department within three business days.

- b. All specialties represented at ECMC.
 - c. Level I Trauma services provided including Burn Unit and Hyperbaric Medicine (beginning January 2011).
4. Provide testimony at hearings.

CASE MANAGEMENT

BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES will provide the following services with regard to case management:

- a. Review of Emergency Department records following an injury seen in the Emergency Department at ECMC, typically on the next business day.
- b. Forward work restrictions to the specific department
- c. Conduct an initial examination of all officers who claim they were injured in the line of duty. That initial examination is done the day the officer is injured or within 2 days of the same so that the City can approve or deny the injury under GML 207-c.
- d. Call the employee to arrange follow up within three days if required
- e. If employee seeks care at a different facility and files for IOD status we will make every effort to contact the employee to arrange follow up in Employee Health to assess status. IOD status should not be granted until an evaluation is made in Employee Health.
- f. Refer to specialty services and facilitate appointments if required with records of appointment requested to be sent to Employee Health as well as the individual.
- g. Coordinate continued care through periodic office visits and facilitation telephonically.
- h. Assess capabilities at each Employee Health visit and assist the City to evaluate alternative medical treatment options which may then be ordered for officers.
- i. Communicate with each department and the IOD committee or Commissioner with regard to current status and prognosis.
- j. Review long term IOD (1 year or more) cases and evaluate individually in the Employee Health office.
- k. Communicate with primary physicians and specialists with regard to work status and MMI in addition to making assessments in the office based on physical exam and records.
- l. Review high cost medical care for necessity and efficacy.
- m. Assist in preparation for arbitration.
- n. Assist in the medical aspects of filing for disability retirement.
- o. Input data for work done on each IOD claim into designated City of Buffalo Case Management software system. Will identify staff that will be performing these tasks so they are properly trained/instructed by City of Buffalo Third Party Administrator.

(C) The City agrees to compensate BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES for the **CONSULTING SERVICES** described above by payment of the amount of \$134,500.00 flat fee per year city fiscal year after all approvals. This amount shall be payable in

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twelve monthly installments of \$11,208.33 pro rated upon contract becoming effective. Said monthly payments shall be made by the fifteenth day of the month prior to the month in which the services will be performed.

(D) The City agrees to compensate BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES for the **CASE MANAGEMENT** described above by payment of the amount of \$200,000.00 flat fee per city fiscal year after all approvals . This amount shall be payable in twelve monthly installments of \$16,666.67 pro rated upon contract becoming effective. Said monthly payments shall be made by the fifteenth day of the month prior to the month in which the services will be performed .

(E) The City agrees to compensate BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES for the services provided on a fee for service basis described above as follows. All invoices for these services shall be paid within thirty days.

FEE FOR SERVICE SCHEDULE:

Fit for Duty	\$ 50.00
Return to Work	\$ 50.00
New Hire Physical	As Negotiated
Sick Visit	\$ 50.00
Drug Testing	\$ 35.00
Individual office evaluations	\$50.00/visit

PROFESSIONAL SERVICES FEE SCHEDULE (off-site only):

PA/NP Off-Site Services	\$ 90.00/hr. (minimum 2-hour blocks)
MD Off-Site Services	\$250.00/hr. (minimum 2-hour blocks)
Physician Testimony	\$500.00/half day \$1,000.00/full day

5. PERFORMANCE OF SERVICES

BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES agrees to perform the services herein described in a manner consistent with that level of care and skill ordinarily exercised by other medical professionals and in accordance with the general directions given by the City of Buffalo Police and Fire Departments or their designees and that BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES shall perform the services required herein in a timely manner. The City and its Police and Fire Departments shall provide BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES access to all information, records, and personnel required by BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES to perform its services under this Contract.

6. TERM/NOTICES

The term of this Contract shall be for the period of one year commencing on day of full execution and approvals

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and terminating June 30th, 2011. This Contract may be extended upon mutual agreement of the parties, for two additional periods of one year each. Any extension entered into must be in writing, with all terms remaining the same.

Either party may terminate this Contract at any time without cause upon providing the other party with sixty (60) days written notice. Such notice and any other notice(s) required or permitted under this Contract shall be hand-delivered or sent to the appropriate party by first class mail, postage paid or by overnight carrier to the following addresses:

To the City:

Human Resources
City of Buffalo
1007 City Hall
Buffalo, New York 14202

To the Contractor:

Be Well Healthcare Medicine, PLLC
Attn: David P. Hughes, M.D.
462 Grider Street
Buffalo, New York 14215

Either party may, from time to time designate, by written notice, pursuant to this section another address or representative to which such notice or communications should be sent.

7. RELATIONSHIP OF THE PARTIES

BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES and the City agree that BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES is an independent contractor, and not an employee of the City and that in accordance with such status as an independent contractor, BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES covenants and agrees that it will not hold itself out as, nor claim to be, an officer or employee of the City, including but not limited to: worker compensation coverage, unemployment insurance benefits, social security coverage, medical, dental or health insurance coverage, or employee retirement membership or credit by reason of this Contract.

BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES shall not have the authority to bind or contract for the City, or any Department agency or unit thereof, or to make or incur indebtedness, liability or obligation on behalf of the City, or any department, agency or unit thereof.

This Contract shall not be construed as creating an exclusive contract for services. The City retains the right to contract with others to provide like or similar services. BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES retains the right to provide such services to parties other than the City in its sole discretion.

8. CONFIDENTIALITY

BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES recognizes that all medical and other personnel records and information obtained either directly or indirectly, is confidential and agrees that they will not divulge, disclose or communicate in any manner any such information to any third party without the prior consent of the City. BWHM D/B/A GREAT

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LAKES PHYSICIANS SERVICES agrees to comply with all applicable Federal and State laws and regulations governing confidentiality of records. The confidentiality provisions of this Contract shall remain in full force and effect after the termination of this Contract.

9. RETURN OF RECORDS

Upon termination of this Contract, BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES shall deliver all files, including but not limited to, all documents, data, notes, memoranda, reports, including preliminary findings, interim reports, final recommendations and the work product thereof. Other forms of information collected or received during the term of Contract with the City of Buffalo shall remain or become the exclusive property of the City of Buffalo and must be returned to the City of Buffalo at the termination of the Contract period.

10. ENTIRE AGREEMENT

This Contract represents the entire agreement of the parties and there are no other promises or conditions in any other agreement either oral or written. This Contract supersedes any prior written or oral agreement between the parties.

11. AMENDMENT

This Contract may be modified or amended if the modification or amendment is made in writing and executed by both parties subject to all municipal approvals.

12. SEVERABILITY

If any provision of this Contract shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of the Contract is invalid or unenforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

13. INDEMNIFICATION

The Contractor shall defend and indemnify and hold harmless the City from all claims, lawsuits or loss of any kind relating to personal injury or property damage resulting from its acts or omissions in providing services.

14. INSURANCE

BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES herein agrees to maintain insurance coverage in form and substance acceptable to the City's Corporation Counsel, Comptroller, and Commissioners of Police Department and Commissioner of Fire Department, for the duration of the Contract, including but not limited to:

- (i) Workers' Compensation Insurance;

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- (ii) Medical Malpractice Liability Insurance in the amount of \$1,300,000 per occurrence and \$3,900,000 in the aggregate;
 - (iii) General Liability Insurance (included but not limited to, contractual liability, bodily injury and property damage) in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate under which the City of Buffalo must be named as an additional insured and Certificate Holder;
 - (iv) Insurance coverage shall be maintained throughout the contract and any extension periods. City Corporation Counsel shall be promptly informed of any changes in insurance coverage including updated insurance certificates.

15. APPROPRIATION

It is understood by the parties that this Contract, or any renewals thereof shall be executed only to the extent of the monies available to the City and appropriated therefor, and no liability on account thereof shall be incurred by the City beyond monies available and appropriated for the purpose thereof.

16. ASSIGNMENT

This Contract contemplates the particular services of
BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES.
BWHM D/B/A GREAT LAKES PHYSICIANS SERVICES shall not assign, transfer or otherwise dispose of this Contract, or its right, title and interest therein, to any person, firm or corporation.

17. WAIVERS

The failure of either party to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Contract.

18. APPLICABLE LAW

The Contractor shall comply with all laws, rules, regulations and ordinances of the U.S. Government, the State of New York, and the City of Buffalo, including but not limited to the City Living Wage ordinance; and any other political subdivision of regulatory body which may apply to its performance under this Contract. This Contract shall be governed by the laws of the State of New York. For all purposes of this Contract, the parties submit themselves to the jurisdiction of the Supreme Court of the State of New York, County of Erie, and consents that any and all litigation shall be in such court.

Human Resources

Date

Be Well Healthcare Medicine, PLLC d/b/a
Great Lakes Physicians Services, by
David P. Hughes, M.D., Managing Member

Date

Approved as to form only:

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APPROVED
AS TO FORM ONLY

David Rodriguez, Acting Corporation Counsel

Date

Jan 11, 2011

ACKNOWLEDGMENTS

BY

Corporation Counsel

Asst. Corporation Counsel

State of New York)
County of Erie)ss.

On the ____ day of _____, in the year 2010, before me, the undersigned, a notary public in and for said state, personally appeared David P. Hughes, the Managing Member of Be Well Healthcare Medicine, PLLC, d/b/a Great Lakes Physicians Services personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Managing Member of said Professional Limited Liability Company, and that by his signature executed the instrument.

Notary Public

State of New York)
County of Erie)ss.

On the ____ day of _____, in the year 2010, before me, the undersigned, a notary public in and for said state, personally appeared Karla Thomas, the Commissioner of City of Buffalo Human Resources Department, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity as Commissioner of said Department, and that by her signature executed the instrument.

Notary Public

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FROM THE CITY CLERK

March 8, 2011

OFFICE OF THE CITY CLERK

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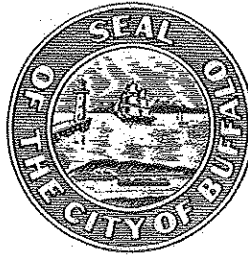
GERALD A. CHWALINSKI

*City Clerk
Registrar of Vital Statistics*

WILMER OLIVENCIA, JR.

Deputy City Clerk

DIANA RICO

*Deputy City Clerk Vital Statistics
Deputy Registrar of Vital Statistics*

65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

March 1, 2011

BOARDS & COMMISSIONS
FILING OF MEETINGS

All Boards and Commissions:

As required by the City Charter **Article 18-2 Meetings**, all Boards and Commissions shall hold regular meetings. All meetings shall be open to the public with notice of such being filed with the city clerk. **Article 18-3 Reports**, requires the filing of reports of their operations and action with the city clerk. A copy of the Article has been attached.

Sincerely;

Gerald A. Chwalinski
City Clerk

RECEIVED AND FILED

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ARTICLE 18
Boards and Commissions

§ 18-1. Boards, Generally.

This article shall govern the creation and activity of all appointed boards, commissions, committees, councils or other like bodies in the city of Buffalo except as otherwise provided by this charter or other law.

All members of appointed boards, commissions, committees, councils or other like bodies serving when this charter takes effect shall continue as such until the expiration of their terms, the positions are abolished, or they are removed pursuant to law or in accordance with the terms of this article.

§ 18-2. Meetings.

As soon as practicable following the first of the new year, and no later than January 31st of every year, each board shall hold an organizational meeting. Each board shall hold regular meetings as required by this charter or other law, and special meetings as may be necessary. Meetings shall be held upon the call of the mayor, director, the chairperson, or as specified in a written declaration by a majority of the members of such board. All meetings shall be open to the public with notice of such being filed with the city clerk.

§ 18-3. Reports.

The chair or head of each board, shall in addition to the reports required by this charter, once in each year and at other times as the mayor may direct, make to the mayor and file with the city clerk, in such form and under such rules as the mayor or this charter prescribes, reports of their operations and action.

§ 18-4. Expenses.

The members of all boards of the city of Buffalo established in accordance with the provisions of this charter or other law shall serve without compensation for their services as such, but may receive reimbursement from the city for reasonable and necessary expenses incurred in the performance of their official duties subject to the terms and conditions stipulated by the mayor. In no case shall any appropriations be used for compensating any member of any such board for his or her services.

§ 18-5. Qualifications.

(a) Residency

- (i) No person shall be eligible for election or appointment as the head or chair of a board or commission who has not been a resident of the city for a period of at least one year preceding the date of his/her election or appointment.

No.

Liquor License Applications

Attached hereto are communications from persons applying for liquor licenses from the Erie County Alcohol Beverage Control Board.

Address	Business Name	Owner's Name
170 Franklin	Frankie Mohawk's	Frankie Mohawk's LLC
326 Amherst St	Sportsmens Tavern	Sportsmens Tavern LLC
326 Amherst (alteration)	Sportsmen Tavern	Sportsmens Tavern LLC
615 Hopkins St	Coach's Corner	615 Hopkins Inc.
708 Elmwood	Acroplis	Paul Tsoufliois
131 Van Rensselaer	131 Van Rensselaer	Marinaro Larkin Tavern, LLC
2192 Niagara St	2192 Niagara	Riverfront on the Niagara, LLC

RECEIVED AND FILED

March 8, 2011



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

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1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		Month	Day	Year	Month	Day	Year	2	0	1	1
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD:												
2.	Name of the Local Municipality or Community Board:		City Clerk % City of Buffalo									
3.	Street Address of Local Municipality or Community Board:		1308 City Hall									
4.	City, Town, or Village:		Buffalo							NY	Zip Code: 14202	
5.	Telephone Number of Clerk of Local Municipality or Community Board:		716-851-5431									
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE												
6.	Attorney's Full Name is:		LORI CARBAUGH, Esq.									
7.	Attorney's Street Address:		295 MAIN STREET - Suite 210									
8.	City, Town, or Village:		Buffalo							NY	Zip Code: 14203	
9.	Business Telephone Number of Attorney:		716-852-8222									
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW												
10.	Type(s) of Alcohol to be sold under the License (* one):		<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer									
11.	Extent of Food Service: (* one)		<input checked="" type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)									
12.	Type of Establishment: (* all that apply)		<input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input checked="" type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify):									
13.	Proposed Outdoor Area(s):		<input type="checkbox"/> None <input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):									
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (* one):		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO									
15.	Application Serial Number:		NOT YET ASSIGNED									
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:		FRANKIE MOHAWK'S, LLC									
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:		FRANKIE MOHAWK'S									
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:		170 FRANKLIN STREET									
19.	City, Town, or Village:		Buffalo							NY	Zip Code: 14203	
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:		FIRST (PARTIAL)									
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:											
22.	Business Telephone Number of the Applicant:		TO BE DETERMINED									
23.	Business Fax Number of the Applicant:		TO BE DETERMINED									
24.	Business E-Mail Address of the Applicant:		FRANKIE.MOHAWK@GMAIL.COM									
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>									
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED												
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (* one)		Yes <input type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input checked="" type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.									
27.	Building Owner's Full Name is:		MURON GROUP, INC.									
28.	Building Owner's Street Address:		295 MAIN STREET - Suite 210									
29.	City, Town, or Village:		Buffalo							NY	Zip Code: 14203	
30.	Business Telephone Number of Building Owner:		716-852-8222									



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
In connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

15.	Application Serial Number:	NOT YET ASSIGNED
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	FRANKIE MOHAWKS LLC
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	FRANKIE MOHAWKS

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 40.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
34.	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	NONE	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:	Buddies	I Don't Know <input type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:		I Don't Know <input checked="" type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:		I Don't Know <input checked="" type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:		I Don't Know <input checked="" type="checkbox"/>

40. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

Printed Name	Title	Signature
Anthony D. Guglielmo	MANAGING MEMBER OF FRANKIE MOHAWKS LLC	x Anthony D. Guglielmo



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized ORIGINAL APPLICATION NOTICE FORM for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

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1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		02	28	2	0	7	7
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD								
2.	Name of the Local Municipality or Community Board:		City of Buffalo Clerk					
3.	Street Address of Local Municipality or Community Board:		Buffalo City Hall 65 Niagara Square					
4.	City, Town, or Village:		Buffalo	NY	Zip Code: 14202			
5.	Telephone Number of Clerk of Local Municipality or Community Board:		716	851	4200			
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL FIRST ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE								
6.	Attorney's Full Name is:		EARL A. KETRY					
7.	Attorney's Street Address:		278 Main St.					
8.	City, Town, or Village:		W. Seneca, N.Y. 14224				Zip Code:	
9.	Business Telephone Number of Attorney:		716	675	8098			
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW								
10.	Type(s) of Alcohol to be sold under the License (*one):		<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer					
11.	Extent of Food Service (*one):		<input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input checked="" type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)					
12.	Type of Establishment:		<input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Live Music <input checked="" type="checkbox"/> Disk Jockey <input checked="" type="checkbox"/> Juke Box <input checked="" type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons					
	(*all that apply)		<input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify):					
13.	Proposed Outdoor Area(s):		<input type="checkbox"/> None <input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):					
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*one):		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
15.	Application Serial Number:		3004886 Main BAR This is for an add bar					
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:		Sportsmens Tavern LLC					
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:		Sportsmens Tavern					
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:		326 Amherst St					
19.	City, Town, or Village:		Buffalo	NY	Zip Code: 14202			
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:		1st = Existing 2nd = Add BAR					
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:		N/A					
22.	Business Telephone Number of the Applicant:		716	553	4713			
23.	Business Fax Number of the Applicant:							
24.	Business E-Mail Address of the Applicant:							
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>					
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED								
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*one)		Yes <input checked="" type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.					
27.	Building Owner's Full Name is:		Dwayne & Denise Hall = Own Real Estate & lease to their LLC					
28.	Building Owner's Street Address:							
29.	City, Town, or Village:						Zip Code:	
30.	Business Telephone Number of Building Owner:		716	553	4713			



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

15.	Application Serial Number:	3004486
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	Sportsmens TAVERN LLC
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	Sportsmens TAVERN

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 40.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
34.	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	Sportsmens TAVERN LLC	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:	Sportsmens TAVERN	I Don't Know <input type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	3004886	I Don't Know <input type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:	Beer Liquor Wine	I Don't Know <input type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:	716-553-4713	I Don't Know <input type="checkbox"/>

40. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

Printed Name

Title

Signature

DWANE

HALL

member

Dwane Hall



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ALTERATION APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board

In connection with the submission to the State Liquor Authority of the
Application for Permission to Make Alterations
for the Establishment Identified in this Notice

1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:			02282011			
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD:							
2.	Name of the Local Municipality or Community Board:			CITY OF BUFFALO - Clerk			
3.	Street Address of Local Municipality or Community Board:			1300 Buffalo City Square			
4.	City, Town or Village:			Buffalo NY 14202		NY	
5.	Telephone Number of Clerk of Local Municipality or Community Board:			716-851-4200			
APPLICANT INFORMATION							
6.	Applicant's Full Name as it Appears on the License Certificate:				License Serial No.		
Sportsmens Tavern LLC				3004886			
7.	Street Address of Premises		City, Town or Village-Zip Code		County	Telephone No.	
326 Amherst St		Buffalo NY 14207		Erie	716-553-4713		
8.	Type(s) of Alcohol Currently Sold under the License: ("X" one)						
<input type="checkbox"/> Beer Only		<input type="checkbox"/> Wine and Beer Only		<input checked="" type="checkbox"/> Liquor, Wine and Beer			
PROPOSED CHANGES/ALTERATIONS							
9.	<input checked="" type="checkbox"/> Substantial Alteration: Any enlargement or contraction of a licensed premises. Any physical changes to the exterior, that involves the creation or relocation of any window or door, and any interior changes of physical structure. Any change in size or location of bar, or dining and kitchen facilities.						
or							
<input type="checkbox"/> Minor Alteration: One costing and valued at less than ten thousand dollars, which does not affect the material character or physical structure that existed at the time of licensing.							
10.	Where will the Alteration be confined to?			If interior, will the Occupancy change? Yes or No			
<input type="checkbox"/> interior <input type="checkbox"/> exterior <input checked="" type="checkbox"/> interior and exterior			Adding Second Floor				
11.	If Exterior, do you plan on utilizing outdoor areas? Yes or No		If Yes, which outdoor area? Check One				
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden/Grounds <input type="checkbox"/> Other					
12.	Is a Building Permit required for this type of Alteration? Yes or No			If so, has permit been applied for? Yes or No			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
13.	Will any entrance or exit of premises as altered be within 200' of the entrance to a school, church or synagogue or other place of worship? Yes or No			Will there be a change of address upon completion of Alterations? Yes or No			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
14.	Are there any known limitations by the County or Municipality for this type of Alteration? Yes or No			Is so, what are they?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
ATTORNEY OR REPRESENTATIVE REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ALTERATION APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE							
15.	Attorney's Full Name is:						
Earl A. Ketry							
16.	Attorney's Street Address:		City, Town or Village:		Business Telephone Number:		
278 Main St. W. Seneca, N.Y. 14224				716-675-8098			

I am the Person who holds the license or I am a Principal of the Legal Entity that will hold the License.		
Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority and relied upon by the Authority.		
I understand that representations made in this form will also be relied upon by the Authority and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued.		
By my signature, I affirm under Penalty of Perjury that the representations made in this form are true.		
Printed Name	Title	Signature
Dwaine M Hall	President	Dwaine M Hall



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		0	2	2	4	2	0	1	1						
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD																
2.	Name of the Local Municipality or Community Board: City of Buffalo															
3.	Street Address of Local Municipality or Community Board: 1308 City Hall															
4.	City, Town, or Village: Buffalo							NY	Zip Code: 14202							
5.	Telephone Number of Clerk of Local Municipality or Community Board:		7	1	6	-	8	5	1	-	5	4	3	1		
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE																
6.	Attorney's Full Name is:		Mark E. Guglielmi													
7.	Attorney's Street Address:		17 St. Louis Place													
8.	City, Town, or Village: Buffalo							NY	Zip Code: 14202							
9.	Business Telephone Number of Attorney:		7	1	6	-	8	5	6	-	9	7	0	4		
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW																
10.	Type(s) of Alcohol to be sold under the License (*X* one):		<input type="checkbox"/> Beer Only		<input type="checkbox"/> Wine and Beer Only		<input checked="" type="checkbox"/> Liquor, Wine, and Beer									
11.	Extent of Food Service: (*X* one)		<input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef)				<input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol)				<input checked="" type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)					
12.	Type of Establishment: (*X* all that apply)		<input type="checkbox"/> Hotel		<input type="checkbox"/> Live Music		<input type="checkbox"/> Disk Jockey		<input checked="" type="checkbox"/> Juke Box		<input type="checkbox"/> Patron Dancing (Small Scale)		<input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club)		<input type="checkbox"/> Capacity for 600 or more patrons	
			<input type="checkbox"/> Club (e.g. Golf / Fraternal Org.)		<input type="checkbox"/> Bed & Breakfast		<input type="checkbox"/> Catering Facility		<input type="checkbox"/> Stage Shows		<input type="checkbox"/> Topless Entertainment		<input type="checkbox"/> Other (Specify):			
13.	Proposed Outdoor Area(s):		<input checked="" type="checkbox"/> None		<input type="checkbox"/> Rooftop		<input type="checkbox"/> Patio or Deck		<input type="checkbox"/> Freestanding Covered Structure		<input type="checkbox"/> Garden / Grounds		<input type="checkbox"/> Other (Specify):			
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X* one):										<input checked="" type="checkbox"/> YES		<input type="checkbox"/> NO			
15.	Application Serial Number:															
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:		615 Hopkins, Inc.													
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:		Coach's Corner													
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:		615 Hopkins St.,													
19.	City, Town, or Village: Buffalo							NY	Zip Code: 14220							
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:							First floor; Basement								
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:															
22.	Business Telephone Number of the Applicant:		7	1	6	-	5	0	7	-	8	7	4	2		
23.	Business Fax Number of the Applicant:					-				-						
24.	Business E-Mail Address of the Applicant:															
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?		Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>		I Don't Know <input type="checkbox"/>									
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED																
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X* one)		Yes <input type="checkbox"/>		If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form.				No <input checked="" type="checkbox"/>		If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.					
27.	Building Owner's Full Name is:		Ronald Villa Gomez													
28.	Building Owner's Street Address:		615 Hopkins St.													
29.	City, Town, or Village: Buffalo							NY	Zip Code: 14220							
30.	Business Telephone Number of Building Owner:		7	1	6	-	8	2	2	-	3	8	4	0		



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

15.	Application Serial Number:	
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	615 Hopkins, Inc.
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	Coach's Corner

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 40.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
34.	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	Susan McLaughlin	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:	Susie's Corner	I Don't Know <input type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	161561795	I Don't Know <input type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:	On premise Liquor	I Don't Know <input type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:	7 1 6 . 8 2 2 . 3 1 4 6	I Don't Know <input type="checkbox"/>

40. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

Printed Name	Title	Signature
Nicholas Schaefer	President	X



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized ORIGINAL APPLICATION NOTICE FORM for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

From RW To OP (34-10)

1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		02232011											
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD:														
2.	Name of the Local Municipality or Community Board:		BUFFALO CITY CLERK											
3.	Street Address of Local Municipality or Community Board:		65 NIAGARA SQUARE (CITY HALL)											
4.	City, Town, or Village:		BUFFALO NY Zip Code: 14202											
5.	Telephone Number of Clerk of Local Municipality or Community Board:		716-851-5431											
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE														
6.	Attorney's Full Name is:		CONSULTANT - CHESTER A. MENKIEWICZ											
7.	Attorney's Street Address:		PO Box 241											
8.	City, Town, or Village:		CHEEKTOWAGA NY Zip Code: 14225											
9.	Business Telephone Number of Attorney:		716-628-0191											
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW														
10.	Type(s) of Alcohol to be sold under the License (*X one):		<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer											
11.	Extent of Food Service: (*X one)		<input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input checked="" type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)											
12.	Type of Establishment: (*X all that apply)		<input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input checked="" type="checkbox"/> Other (Specify): Recorded											
13.	Proposed Outdoor Area(s):		<input type="checkbox"/> None <input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):											
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X one):		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO											
15.	Application Serial Number:		RW 3148598											
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:		PAUL TSOULIDIS											
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:		ACROPOLIS											
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:		708 ELWOOD AVE											
19.	City, Town, or Village:		BUFFALO NY Zip Code: 14222											
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:		1ST Floor											
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:		-											
22.	Business Telephone Number of the Applicant:		716-886-2977											
23.	Business Fax Number of the Applicant:													
24.	Business E-Mail Address of the Applicant:													
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>											
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED														
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X one)		Yes <input checked="" type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.											
27.	Building Owner's Full Name is:													
28.	Building Owner's Street Address:													
29.	City, Town, or Village:													
30.	Business Telephone Number of Building Owner:													



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
In connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

Class
Change
From RW To OP (34-10)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION: SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED.

15.	Application Serial Number:	3148598
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	PAUL TSOUFLIDIS
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	ACROPOLIS

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED YES TO ITEM 31 OR 32, SKIP ITEMS NO. 33 AND 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, AND 40.
IF YOU ANSWERED NO TO ITEMS 31 AND 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 AND 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE
INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
34.	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED YES TO ITEM NO. 33 OR 32 OR 33 OR 34, THEN PLEASE ANSWER ITEMS NO. 35 AND 36 AND 37 AND 38 AND 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED OR MOST RECENTLY CONDUCTED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	PAUL TSOUFLIDIS	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:	ACROPOLIS	I Don't Know <input type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	3148598	I Don't Know <input type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:	RESTAURANT WINE	I Don't Know <input type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:	716-886-2977	I Don't Know <input type="checkbox"/>

40. If the Original Application is approved, I am the Person who will hold the license or I am a Principal of the legal entity that will hold the license. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

Printed Name	Title	Signature
PAUL TSOUFLIDIS	owner	x Paul Tsouflidis



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
In connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

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(7-11)

1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		Month	0	2	Day	2	1	Year	2	0	1	1
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD													
2.	Name of the Local Municipality or Community Board:		BUFFALO CITY CLERK										
3.	Street Address of Local Municipality or Community Board:		65 NIAGARA SQUARE (CITY HALL)										
4.	City, Town, or Village:		BUFFALO		NY		Zip Code: 14202						
5.	Telephone Number of Clerk of Local Municipality or Community Board:		716-851-5431										
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE													
6.	Attorney's Full Name is:		CONSULTANT - CHESTER A MENKENA										
7.	Attorney's Street Address:		PO Box 241										
8.	City, Town, or Village:		CHEEKTOWAGA		NY		Zip Code: 14225						
9.	Business Telephone Number of Attorney:		716-628-0191										
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW													
10.	Type(s) of Alcohol to be sold under the License (*one):		<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer										
11.	Extent of Food Service: (*one)		<input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input checked="" type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)										
12.	Type of Establishment:		<input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input checked="" type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons										
	(*X all that apply)		<input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input checked="" type="checkbox"/> Other (Specify): Recorded										
13.	Proposed Outdoor Area(s):		<input checked="" type="checkbox"/> None <input type="checkbox"/> Rooftop <input type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):										
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*one):		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO										
15.	Application Serial Number:		PENDING										
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:		MARINARO LARKIN TAVERN, LLC										
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:												
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:		131 VAN RENSSELAER STREET										
19.	City, Town, or Village:		BUFFALO		NY		Zip Code: 14210						
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:		1ST FLOOR										
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:												
22.	Business Telephone Number of the Applicant:		716-627-5050										
23.	Business Fax Number of the Applicant:												
24.	Business E-Mail Address of the Applicant:												
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>										
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED													
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*one)		Yes <input checked="" type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.										
27.	Building Owner's Full Name is:												
28.	Building Owner's Street Address:												
29.	City, Town, or Village:						Zip Code:						
30.	Business Telephone Number of Building Owner:												



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a

30-Day Advance Notice to a Local Municipality or Community Board

in connection with the submission to the State Liquor Authority of the

Applicant's Original (First) On-Premises Alcoholic Beverage License Application

for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

15.	Application Serial Number:	Pending
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	MARINARO LARKIN TAVERN, LLC
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 39.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
34.	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	131 VAN RENSSELAER STREET, INC	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:	SHARKEY'S	I Don't Know <input type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	3004958	I Don't Know <input type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:	ON PREMISES LIQ 102	I Don't Know <input type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:		I Don't Know <input type="checkbox"/>

40. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

Printed Name	Title	Signature
GERALD MARINARO	Member	X Gerald L Marinaro



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

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1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		Month	Month	Day	Day	Year	Year
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD								
2.	Name of the Local Municipality or Community Board:		City of Buffalo					
3.	Street Address of Local Municipality or Community Board:		City Hall					
4.	City, Town, or Village:		Buffalo			NY	Zip Code: 14202	
5.	Telephone Number of Clerk of Local Municipality or Community Board:		716-851-5431					
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE								
6.	Attorney's Full Name is:		Justin S. White, Esq.					
7.	Attorney's Street Address:		5662 Main Street					
8.	City, Town, or Village:		Williamsville			NY	Zip Code: 14221	
9.	Business Telephone Number of Attorney:		716-631-9100					
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW								
10.	Type(s) of Alcohol to be sold under the License (*X* one):		<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer					
11.	Extent of Food Service: (*X* one)		<input checked="" type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)					
12.	Type of Establishment:		<input type="checkbox"/> Hotel <input type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons					
(*X* all that apply)		<input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input checked="" type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input checked="" type="checkbox"/> Other (Specify): Restaurant						
13.	Proposed Outdoor Area(s):		<input type="checkbox"/> None <input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):					
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X* one):		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
15.	Application Serial Number:							
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:		Riverfront on the Niagara, LLC					
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:							
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:		2192 Niagara Street					
19.	City, Town, or Village:		Buffalo			NY	Zip Code: 14207	
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:		All					
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:		All					
22.	Business Telephone Number of the Applicant:		716-874-5400					
23.	Business Fax Number of the Applicant:							
24.	Business E-Mail Address of the Applicant:		WJK123@aol.com					
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>					
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED								
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X* one)		Yes <input checked="" type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form.			No <input type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.		
27.	Building Owner's Full Name is:							
28.	Building Owner's Street Address:							
29.	City, Town, or Village:					State	Zip Code:	
30.	Business Telephone Number of Building Owner:							



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

15.	Application Serial Number:	
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	River-front on the Niagara, LLC
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 40.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE
INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
34.	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	HARRY'S HARBOUR PLACE GRILL	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:	HARRY'S	I Don't Know <input type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	3004859	I Don't Know <input type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:	On-Premises	I Don't Know <input type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:	716-874-5400	I Don't Know <input type="checkbox"/>

40. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

Printed Name

William J. Koessler

Title

Operating Manager

Signature

X William J. Koessler

No.

Reports of Attendance

I transmit herewith communications received by me, from the various boards, commissions, agencies and authorities reporting the membership attendance at their respective meetings:

Board of Ethics

Records Management Board

Board of Parking

Board of Stadium and Auditorium

x Buffalo Sewer Authority

City Planning Board

Civil Service Commission

Committee on Drug Abuse Services

Commission on Human Relations

Consumer Electronics Board

Emergency Medical Services Board

Examining Board of Plumbers

Home Improvement Advisory Board

Municipal Housing Authority

Youth Board

Zoning Board of Appeals

RECEIVED AND FILED

March 8, 2011

18

#1

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:

DATE February 16, 2011

FROM:

DEPARTMENT BUFFALO SEWER AUTHORITY

DIVISION ADMINISTRATIVE

SUBJECT [: BOARD ATTENDANCE

[:

[:

ENTER PRIOR COUNCIL REFERENCE: (IF ANY) [:

This is to advise you that Board Members as follows were present at the Regular Meeting of the Buffalo Sewer Authority held on February 16, 2011, in Room 1038 City Hall:

Herbert L. Bellamy, Jr., Chairman
Christopher Roosevelt, Assistant Vice Chairman
John E. Kennedy, Jr., Assistant Secretary
John D. Kennedy, Sr., Vice Chairman
Eleanor C. Wilson-DiVincenzo, Secretary

Absent:

None

DEPARTMENT HEAD NAME: DAVID P. COMERFORD

TITLE: GENERAL MANAGER

SIGNATURE OF DEPARTMENT HEAD:



No.

Notices of Appointments - Council Interns

I transmit herewith appointments to the position of Council Intern.

Mr. Fontana moved the approval of the appointments to the position of Council Intern.

ADOPTED.

March 8, 2011

165

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **January 31, 2011**
 in the Department of **Common Council**
 Division of **Fillmore District**
 to the Position of **Intern V**
 Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **UNCLASSIFIED**
 Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one) **EXEMPT**
 Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **FLAT**
 (Enter Starting Salary) : Starting Salary of **\$ 8.00**

LAST JOB TITLE		NAME	Saladi Shebule
LAST DEPARTMENT	DATE	ADDRESS	176 Virginia St
LAST SALARY		CITY & ZIP	Buffalo 14201
LAST 4 DIGITS OF SSN. XXX-XX-4800			

LAST JOB TITLE		NAME	
LAST DEPARTMENT	DATE	ADDRESS	
LAST SALARY		CITY & ZIP	
LAST 4 DIGITS OF SSN. XXX-XX-			

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	10120001	TITLE CODE NO	1774
BUDGET ACCT. OBJ.	412002	PERSONNEL REQ. NO	5143
SALARY RANGE OF POSITION	PROJ. ID	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **Gerald A. Chwalinski**
 TITLE OF APPOINTING. AUTHORITY: **City Clerk**
 DATE: **01/31/2011**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
 OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET
 #6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **January 31, 2011**
in the Department of **Common Council**
Division of **City Clerk**
to the Position of **Intern VI**
Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **UNCLASSIFIED**
Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one) **EXEMPT**
Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **FLAT**
(Enter Starting Salary) : Starting Salary of **\$ 10.00**

LAST JOB TITLE	NAME	Carol Csicsay
LAST DEPARTMENT	ADDRESS	1050 Tifft St
LAST SALARY	CITY & ZIP	Buffalo 14220
LAST 4 DIGITS OF SSN. XXX-XX-7423		

LAST JOB TITLE	NAME	
LAST DEPARTMENT	ADDRESS	
LAST SALARY	CITY & ZIP	
LAST 4 DIGITS OF SSN. XXX-XX-		

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	10220001	TITLE CODE NO	1775
BUDGET ACCT. OBJ.	412002	PERSONNEL REQ. NO	5142
SALARY RANGE OF POSITION	PROJ. ID	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **Gerald A. Chwalinski**
TITLE OF APPOINTING. AUTHORITY: **City Clerk**
DATE: **01/31/2011**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET
#6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **February 24, 2011**
 in the Department of **Common Council**
 Division of **North District**
 to the Position of **Intern VI**
 Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **UNCLASSIFIED**
 Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one) **EXEMPT**
 Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **FLAT**
 (Enter Starting Salary) : Starting Salary of **\$ 10.00**

LAST JOB TITLE		NAME	Sara Grieco
LAST DEPARTMENT	DATE	ADDRESS	63 Gallatin Ave
LAST SALARY		CITY & ZIP	Buffalo 14207
LAST 4 DIGITS OF SSN. XXX-XX-1898			

LAST JOB TITLE		NAME	
LAST DEPARTMENT	DATE	ADDRESS	
LAST SALARY		CITY & ZIP	
LAST 4 DIGITS OF SSN. XXX-XX-			

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	10102001-412002	TITLE CODE NO	1775
BUDGET ACCT. OBJ.	PROJ. ID	PERSONNEL REQ. NO	5147
SALARY RANGE OF POSITION		PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **Gerald A. Chwalinski**
 TITLE OF APPOINTING. AUTHORITY: **City Clerk**
 DATE: **02/28/2011**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
 OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET
 #6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

00023

168

No.

Notices of Appointments - Seasonal/Flat

I transmit herewith certificates received by me, reporting seasonal and flat salary appointments made in various departments.

RECEIVED AND FILED.

March 8, 2011

20

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **February 7, 2011**

in the Department of **Assessment and Taxation**

Division of

to the Position of **Clerk -- Seasonal**

Permanent, Provisional, Temporary, Seasonal (Insert one) **SEASONAL**

Appointment, Promotion, Non-Competitive (Insert one) **APPOINTMENT**

Minimum, Intermediate, Maximum, Flat (Insert one) **FLAT**

(Enter Starting Salary) : Starting Salary of: **\$11.87**

LAST JOB TITLE	Seasonal Clerk	NAME	Lyana M. Luciano
LAST DEPARTMENT	Assessment/Taxation	DATE	4/22/10
LAST SALARY	\$11.87/hr	ADDRESS	247 West Avenue
		CITY & ZIP	Buffalo, New York 14201
LAST 4 DIGITS OF SSN. XXX-XX-1033			

LAST JOB TITLE		NAME	
LAST DEPARTMENT		DATE	
LAST SALARY		ADDRESS	
		CITY & ZIP	
LAST 4 DIGITS OF SSN. XXX-XX-			

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	10647001	TITLE CODE NO	0010
BUDGET ACCT. OBJ.	412002	PERSONNEL REQ. NO	2010-28
SALARY RANGE OF POSITION	\$11.87/hr	PER YEAR DAY HOUR	HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **Martin F. Kennedy**

TITLE OF APPOINTING. AUTHORITY: **Commissioner**

DATE: **February 3, 2011**

SIGNATURE OF APPOINTING AUTHORITY:

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

3/2/11

in the Department of

Public Works

Division of

Streets

to the Position of

Laborer II

Permanent, Provisional, Temporary, Seasonal (Insert one)

SEASONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

FLAT

(Enter Starting Salary) : Starting Salary of:

\$11.87

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

Gary Quatrani**102 Hartwell Rd.****Buffalo, NY 14216**LAST 4 DIGITS OF SSN. XXX-XX-**4565**

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

15030001

BUDGET ACCT. OBJ.

412002 PROJ. ID

SALARY RANGE OF POSITION

\$11.87

TITLE CODE NO

9624

PERSONNEL REQ. NO

2010-019

PER YEAR DAY HOUR

HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

2/22/11

SIGNATURE OF APPOINTING AUTHORITY:

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

3/2/11

in the Department of

Public Works

Division of

Streets

to the Position of

Laborer II

Permanent, Provisional, Temporary, Seasonal (Insert one)

SEASONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

FLAT

(Enter Starting Salary) : Starting Salary of:

\$11.87

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

Jacob Ortiz**185 Columbus Ave.****Buffalo, NY 14220**LAST 4 DIGITS OF SSN. **XXX-XX-7753**

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

LAST 4 DIGITS OF SSN. **XXX-XX-**

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

52002601

BUDGET ACCT. OBJ.

412002 PROJ. ID

TITLE CODE NO

9624

SALARY RANGE OF POSITION

\$11.87

PERSONNEL REQ. NO

2010-018

PER YEAR DAY HOUR

HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

2/1/11

SIGNATURE OF APPOINTING AUTHORITY:

William R. Heindel

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

00024

178

No.

Appointments - Temporary, Provisional or Permanent

I transmit herewith Appointments in the various departments made at the Minimum (Temporary, Provisional or Permanent) (as per contract requirements).

REFERRED TO THE COMMITTEE ON CIVIL SERVICE.

March 8, 2011

21

(2)

173

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: February 28, 2011
in the Department of MIS

Division of

to the Position of **GIS Specialist**
Permanent, Provisional, Temporary, Seasonal (Insert one) **Provisional**

Appointment, Promotion, Non-Competitive (Insert one) **APPOINTMENT**

Minimum, Intermediate, Maximum, Flat (Insert one) **Step 1**
(Enter Starting Salary) : Starting Salary of: **\$ 37916**

LAST JOB TITLE	NAME	Christopher Conlee
LAST DEPARTMENT	ADDRESS	6 Woodland Ct.
LAST SALARY	CITY & ZIP	Saratoga Springs, NY 12866
LAST 4 DIGITS OF SSN. XXX-XX-0430		

LAST JOB TITLE	NAME
LAST DEPARTMENT	ADDRESS
LAST SALARY	CITY & ZIP
LAST 4 DIGITS OF SSN. XXX-XX-	

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	10871001	TITLE CODE NO	0911
BUDGET ACCT. OBJ.	41101	PERSONNEL REQ. NO	2010-109
SALARY RANGE OF POSITION	37916-43541	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: RAJ MEHTA
TITLE OF APPOINTING AUTHORITY: DIRECTOR, M.I.S.
DATE: 2/9/11
SIGNATURE OF APPOINTING AUTHORITY: [Signature]

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

3/2/11

in the Department of

Public Works

Division of

Streets

to the Position of

Street Worker

Permanent, Provisional, Temporary, Seasonal (Insert one)

PERMANENT

Appointment, Promotion, Non-Competitive (Insert one)

NON-COMPETITIVE

Minimum, Intermediate, Maximum, Flat (Insert one)

MINIMUM

(Enter Starting Salary) : Starting Salary of:

\$22,187

LAST JOB TITLE Laborer II Seasonal

LAST DEPARTMENT DPW

DATE 2/11

LAST SALARY

\$11.87 hr.

NAME

Luis Rivera

ADDRESS

85 Kentucky St.

CITY & ZIP

Buffalo, NY 14204

LAST 4 DIGITS OF SSN. XXX-XX-4483

LAST JOB TITLE

LAST DEPARTMENT

DATE

LAST SALARY

NAME

ADDRESS

CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

15035001

BUDGET ACCT. OBJ.

411001 PROJ. ID

TITLE CODE NO

5010

SALARY RANGE OF POSITION

\$22,187-\$36,978

PERSONNEL REQ. NO

2010-126

PER YEAR DAY HOUR

YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

2/25/11

SIGNATURE OF APPOINTING AUTHORITY:

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)


175

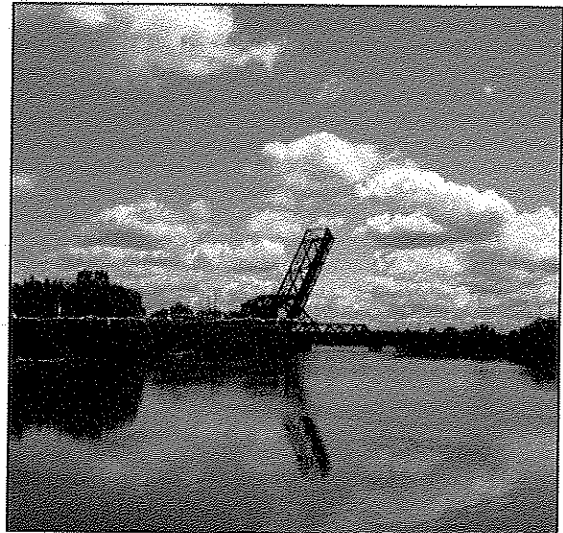
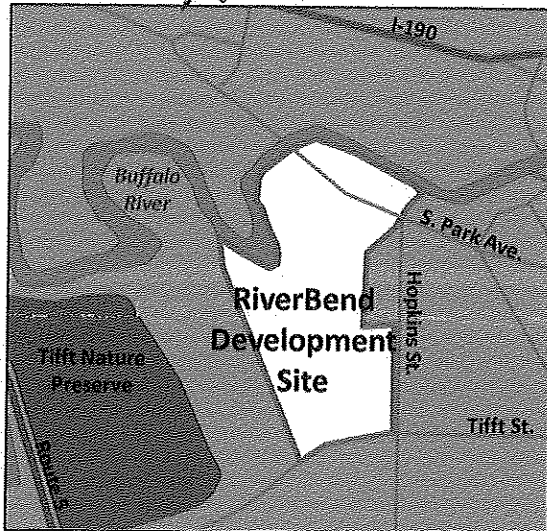
NON-OFFICIAL COMMUNICATIONS, PETITIONS AND REMONSTRANCES

NON-OFFICIAL COMMUNICATIONS

March 8, 2011

Public Meeting

BUDC is hosting its second public information meeting regarding the
 **RiverBend Development Plan**



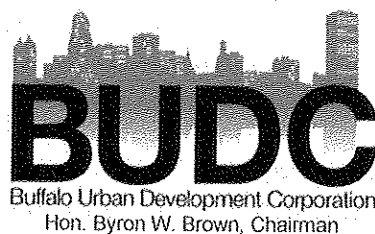
The Buffalo Urban Development Corporation (BUDC) along with its partners, the Mayor's Office of Strategic Planning, City of Buffalo and a consultant team led by Sasaki Associates, invites you to attend a public information meeting to discuss the preparation of the RiverBend Development Plan.

Wednesday, March 9, 2011
From 6:00 PM to 8:00 PM
in the Emerald Ballroom of
The Buffalo Irish Center
245 Abbott Road
Buffalo, NY 14220

This meeting will include a brief overview of the previously held public meeting. A presentation will be given, which will provide an update on the progress of the project, including potential land use plans, preliminary results of a market study and overall opportunities for the future of the RiverBend site. A discussion and Q & A session will follow the presentation. Preparation of the plan is being funded by the New York State Department of State and National Grid.

For more information about the meeting or other site-related issues, please contact:

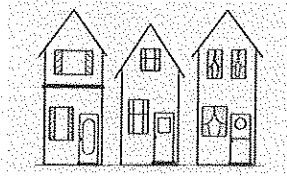
David Stebbins
 Vice President - BUDC
 dstebbins@ecidany.com
 (716) 856-6525 ext. 114



Peter Cammarata
 President - BUDC
 pcammarata@ecidany.com
 (716) 856-6525 ext. 130

00026

¹⁷
PARKS & PLAYGROUNDS
IN LOVEJOY DISTRICT



EAST LOVEJOY COALITION OF NEIGHBORS BLOCK CLUB
For a Positive Unity in Our Community

Mr. Richard A. Fontana
Majority Leader and Lovejoy District Council Member
Buffalo Common Council
1414 City Hall
Buffalo, NY 14202

Dear Council Member Fontana,

On behalf of the members of the East Lovejoy Coalition of Neighbors Block Club (ELCoN), I respectfully request that you move towards creating additional parks and playgrounds in the Lovejoy District. Our children in East Lovejoy Village would benefit greatly by having additional play areas throughout the neighborhood. The physical fitness of our children is of utmost importance.

These parks and playgrounds will enhance the quality of life for all of the residents of East Lovejoy Village, who care very much about this neighborhood. The members of ELCoN want to maintain an attractive, safe and healthy environment for our area. A playground on every block!

Any assistance that your office could provide to reach these goals would be greatly appreciated.

Sincerely,

Maria Williams
President, ELCoN

**REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.**

23

00027



FILLMORE DISTRICT
COUNCIL MEMBER



DAVID A. FRANCZYK
PRESIDENT
OF THE
BUFFALO COMMON COUNCIL

65 NIAGARA SQUARE 178
1315 CITY HALL
BUFFALO, NY 14202-3318
(716) 851-4138
FAX: (716) 851-4869
E-mail:
dfranczyk@city-buffalo.com
City of Buffalo Website:
www.city-buffalo.com

2 March 2011

Buffalo City Clerk
Gerald Chwalinski
1308 City Hall
Buffalo NY 14202

Re: Mobile Food Vending

Dear Mr. Chwalinski:

Please file the attached letter from Michelle Cullen and Suzanne Glascoe who reside in the Valley neighborhood. They are interested in operating a mobile produce cart in the City of Buffalo.

Your assistance is greatly appreciated.

Sincerely,

David A. Franczyk
David A. Franczyk
Council President

Enclosure

REFERRED TO THE COMMITTEE ON LEGISLATION, Corporation counsel, AND THE DEPARTMENT OF
ECONOMIC DEVELOPMENT PERMITS AND INSPECTIONS

24

Proposal to Vend Fruits and Vegetables

Objective: Provide a service of street to street vending of fresh fruits and vegetables, servicing people close to home, using local wholesalers and having as little negative environmental impact as possible.

Michelle Cullen and Suzanne Glascoe would like to vend fresh produce from a push cart similar to those used at the Elk Market many years ago.

We would purchase our produce wholesale at the Bailey Market from farmers or at Sunset Fruit and Vegetable.

We would have little overhead as we would have no permanent location and we would walk the produce around. There would be only the small initial investment to have the cart built and whatever permits we would need so we could offer the produce cheaper than the grocery stores and still make money.

We would like to begin selling in our own neighborhood (The Valley) where we both own homes on the street we grew up on. There are some older folks here who no longer drive and rely on rides from family, public transportation, cabs or walking to get their groceries and this would afford them another opportunity to have fresh produce. Right now their options are to go to Tops or head out to West Seneca for a supermarket.

Very often the fresh produce is as expensive as the protein in the meal, making canned or frozen vegetables a more reasonable option when trying to make ends meet. There are a lot of working families here and if we could offer the produce cheaper they may be able to afford it more often.

Fruit and vegetable prices are volatile but we believe we could bring them a product that has traveled the least distance, in the least time, at the best price.

Kids may gain exposure to fruits and vegetables they may not have known about and it is always good for people to have more fresh items than processed (apple v. chips).

We could work whatever overage we may have at the end of the day into our own meal for the evening, keeping waste to a minimum and for whatever waste there is we already use a compost heap for our own household vegetable matter and we till that into our own gardens each year so as to not use chemical soil enhancers.

We would like to begin vending, as stated, in The Valley, and depending on how things go (time and amount of goods) proceed into the First Ward area. If things turned out to be successful we would possibly like to go out Jefferson or Fillmore Avenues if we expanded.

We are planning to speak with the people at the Larkin at Exchange building to see about stationing outside their building one day a week but would like to have all other paperwork in order before doing so.

As Chapter 316 only addresses fruits and vegetables with regard to Free Licenses (316-5) we are seeking guidance as to what permit, permission or blessing we need to get this endeavor off the ground.

00028



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF INNOVATIVE SCHOOL MODELS
ROOM 471 EBA
Tel. 518/474-1762
Fax 518/474-3209

CALL FOR EDUCATION
SUMMIT

February 28, 2011

Mr. Mark Jaskula
Common Council
65 Niagara Square – Room 1413
Buffalo, NY 14202-3318

Dear Mr. Jaskula:

Your letter addressed to Commissioner Steiner dated February 14, 2011, has been referred to The Office of Innovative School Models for reply. The document detailing the adopted resolution has been received as well.

The resolution presents a detailed and compelling view of the educational landscape as it currently exists within the City of Buffalo. The New York State Education Department (NYSED) agrees that educating students in urban areas such as Buffalo is a tremendous challenge, for the school district as well as the community at large. NYSED also recognizes the impact student achievement has on a community and the need to involve many and varied stakeholders in the process of educating its children. An education summit, as resolved by the Common Council of the City of Buffalo, would prove to be a forum for members of the community, the region and the State of New York to share their views and concerns.

The welfare of all children in New York State is the primary concern of NYSED, and we appreciate your letter and the information provided on behalf of the children of Buffalo.

Sincerely,

Andrew McGrath
Assistant

REFERRED TO THE SPECIAL
COMMITTEE ON EDUCATION

ED

24A

R7

The Buffalo Common Council

181

MICHAEL P. KEARNS
SOUTH DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, 1401 CITY HALL
BUFFALO, NY 14202-3318
PHONE: (716) 851-5169 ♦ FAX: (716) 851-4294
E-mail: mkearns@city-buffalo.com



CHAIRMAN
FINANCE
TRANSPORTATION
WATERFRONT DEVELOPMENT

COMMITTEES
BUDGET
BURA
CIVIL SERVICE
CLAIMS

LEGISLATIVE ASSISTANTS
MARTHA-ANN MURPHY
KELLY M. KRUG
RUSSELL C. WEAVER

MEMORANDUM

TO: Gerald Chwalinski
FROM: Councilmember Kearns
DATE: February 24, 2011

[Handwritten signature]

In Rem 43 Foreclosure October 2009 Forfeited/Default Deposits.

I would like to file the attached information for the next Common Council meeting to be held on March 8, 2011.

Thank you

25



CITY OF BUFFALO
DEPARTMENT OF
ASSESSMENT & TAXATION



BYRON W. BROWN
MAYOR

MARTIN F. KENNEDY
COMMISSIONER

February 16, 2011

Honorable Michael P. Kearns, Chairman
Common Council Finance Committee
Room 1401 City Hall
65 Niagara Square
Buffalo, New York 14202

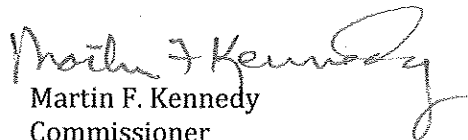
Re: In Rem 43 Foreclosure October 2009
Forfeited/Defaulted Deposits

Dear Chairman Kearns:

In regard to the question raised by Councilmember Russell regarding the amount of deposits forfeited to the City for the In Rem 43 Foreclosure Sale (October 2009), please be advised that forfeited deposits amounted to \$82,620, by individuals who were cleared by Inspections and cleared by Collections but did not consummate the sale by payment of the balance due.

There was an additional \$47,020 defaulted by individuals who were either not cleared by Inspections, not cleared by Collections, or both. These proceeds were used to pay any amounts owed to the City by the bidder and the balance remaining was refunded to the bidder.

Sincerely,


Martin F. Kennedy
Commissioner

MFK/rjz

cc: Hon. David A. Franczyk, President, Common Council
Hon. Darius G. Pridgen, Ellicott District Councilmember
Hon. Michael J. LoCurto, Delaware District Councilmember
Hon. Richard A. Fontana, Lovejoy District Councilmember
Hon. Demone A. Smith, Masten District Councilmember
Hon. David A. Rivera, Niagara District Councilmember
Hon. Joseph Golombek, Jr., North District Councilmember
Hon. Bonnie E. Russell, University District Councilmember

Ilo N. Noble, Assistant Corporation Counsel
Ann Marie LoFaso, Principal Assessor
Latifa Mack, Senior Tax Administrator
Secret Thompson, In Rem Specialist

**REFERRED TO THE COMMITTEE
ON FINANCE.**

00030

The Buffalo Common Council

MICHAEL P. KEARNS
SOUTH DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, 1401 CITY HALL
BUFFALO, NY 14202-3318
PHONE: (716) 851-5169 ♦ FAX: (716) 851-4294
E-mail: mkearns@city-buffalo.com



CHAIRMAN
FINANCE
TRANSPORTATION
WATERFRONT DEVELOPMENT

COMMITTEES
BUDGET
BURA
CIVIL SERVICE
CLAIMS

LEGISLATIVE ASSISTANTS
MARTHA-ANN MURPHY
KELLY M. KRUG
RUSSELL C. WEAVER

MEMORANDUM

TO: Gerald Chwalinski
FROM: Councilmember Kearns
DATE: February 23, 2011
RE: Letter from Citizens for Regional Transit

I would like to file the attached information for the next Common Council meeting to be held on March 8, 2011.

Thank you

"For the People"



CITIZENS *for* REGIONAL TRANSIT

617 Main St., Buffalo, New York 14203

716-836-2825

crtc@citizenstransit.org

February 18, 2011

Dear Councilman Kearns,

Citizens for Regional Transit (CRT) requests the Transportation Committee of the Buffalo City Council hold a public hearing regarding the project: Cars on Main Street. CRT proposes that the design for the 600 block of Main Street should be re-evaluated, in view of recent information that there is no Federal funding to complete the project.

CRT also will bring to the City Council additional suggestions to ensure that the design for reopening the 600 block to vehicular traffic will not interfere with the operations and maintenance of Metro Rail.

Sincerely,

Gladys Gifford, President

SPECIAL
REFERRED TO THE COMMITTEE
ON TRANSPORTATION

00031



OFFICE OF THE CITY CLERK


City of Pittsburgh

510 City-County Building Pittsburgh, Pennsylvania 15219
FAX: NO. (412) 255-2821

Linda M. Johnson-Wasler 185
City Clerk
(412) 255-2138

Mary Beth Doheny
Deputy City Clerk
(412) 255-2132

February 21, 2011


James Pajak, Chief of Staff
Buffalo City Council
1413 City Hall
Buffalo, New York 14202

MARCELLUS SHALE
DRILLING

Dear Mr. Pajak:

At the request of Pittsburgh City Council Members, attached please find a copy of the Will of Council, Resolution No. 46, which was presented in Council, Tuesday, February 8, 2011, extending its support on the passage of the City of Buffalo's ban on Marcellus Shale Drilling. As you will read, Pittsburgh City Council stands united with Buffalo City Council in the effort to protect the health, the welfare and safety of the people who we represent.

If you have any questions or comments, please feel free to contact my office.

Sincerely,

Handwritten signature of Linda M. Johnson-Wasler.

LINDA M. JOHNSON-WASLER
City Clerk

/kc
attachment

RECEIVED AND FILED

27

Resolution No. 46

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WHEREAS, on November 16, 2010, Pittsburgh City Council unanimously passed an ordinance to ban Marcellus Shale drilling within city limits, making Pittsburgh the first municipality in the state of Pennsylvania to halt Marcellus Shale drilling; and,

WHEREAS, on February 8, 2011, New York's Buffalo City Council followed suit, passing a bill banning hydraulic fracturing in a 9-0 vote, leading the movement in New York against Marcellus Shale; and,

WHEREAS, two cities, Buffalo and Pittsburgh, are leading the nationwide fight against hydrofracking, potentially spurring other communities to do the same; and,

WHEREAS, reports and testimony have shown that the process of extracting the Marcellus Shale, namely hydraulic fracturing or "fracking," has resulted in the contamination of water wells and drinking water; and,

WHEREAS, municipal governments have a duty to protect the rights of community residents against corporate activities that clearly jeopardize those rights; and,

WHEREAS, state-chartered corporations do not have a right to engage in activities that threaten the inalienable rights of members of the community.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh commends and supports the Council of the City of Buffalo on the passage of their ban on Marcellus Shale drilling. We stand united with Buffalo City Council in the effort to protect the health, the welfare and safety of the people who we represent.

SPONSORED BY COUNCILMAN DOUGLAS SHIELDS

**CO-SPONSORED BY COUNCIL PRESIDENT DARLENE HARRIS AND MEMBERS
OF COUNCIL REV. RICKY V. BURGESS, PATRICK DOWD, BRUCE A. KRAUS, R.
DANIEL LAVELLE, BILL PEDUTO, NATALIA RUDIAK AND
THERESA KAIL-SMITH**

In Council February 8, 20 11, Read and Adopted.

Attest: Linda M. Johnson-Walker
Clerk of Council

Darlene K. Harris
President of Council

Recorded in Resolution Book, Volume 145, Page 38, this

8th day of February, 20 11.



00032

Common Council
Legislative Staff
City of Buffalo, NY

Chief of Staff 187
James S. Pajak
Senior Legislative Assistant IV
Kevin M. Linder
Senior Legislative Assistants
Mark J. Jaskula
William B. Licata
Julia A. Paul
Melissa Sanchez-Fernandez
Richard Wall
Legislative Aide
James N. Jackson

March 7, 2011

Gerald Chwalinski, City Clerk
1302 City Hall
Buffalo, NY 14202

RE: Resignation of Members of the Joint Commission to Examine Police
Reorganization

Dear Mr. Chwalinski:

Please file this communication with the Common Council Meeting for their meeting
scheduled for Tuesday, March 8, 2011.

Enclosed herewith are copies of emails tendered by the following members of the Joint
Commission to Examine Police Reorganization, evidencing their resignation from their
appointed positions for the reasons cited therein. Please be advised that we have
redacted all personal information from the cited emails.

Gerhart, H. Wayne
Sobol, James J.
Rodriguez-Lane, Crystal
O'Connor-Baird, Susan
Higgins, Thomas F.

Thank you for your assistance in this matter.

Sincerely,


JAMES S. PAJAK

Common Council Chief of Staff

RECEIVED AND FILED

65 Niagara Square - Room 1413
Buffalo, New York 14202-3318
Phone: (716) 851-5105
Fax: (716) 851-4234

rd-f

27A
R7

188

From: Wayne Gerhart [mailto:wayne.gerhart@minnstate.edu]
Sent: Sunday, March 06, 2011 7:25 AM

To:

[mailto:terry.bell@minnstate.edu] [mailto:wayne.gerhart@minnstate.edu]
[mailto:margonclifford@yahoo.com] [mailto:avlebron@bbd.tv] [mailto:desch40@carrollu.edu] [mailto:burt.mclaughlin@carrollu.edu]
[mailto:scott.brown@carrollu.edu] [mailto:scott.brown@carrollu.edu] [mailto:scott.brown@carrollu.edu]
[mailto:bell.johnson213@yahoo.com] [mailto:bell.johnson213@yahoo.com]
[mailto:bell.johnson213@yahoo.com]

Subject: RE: meeting

Fellow Commissioners

At this time due to my continued business travels and time constraints I regretfully resign from the Police Re-organization Commission.

Yours truly,

H. Wayne Gerhart

189

From: Sobol, James J [mailto:james.sobol@state.ny.gov]
Sent: Saturday, March 05, 2011 8:18 AM

To: [mailto:terryvone@att.net]; [mailto:lesleyhaynes14@yahoo.com];
[mailto:m415x@roadrunner.com]; [mailto:lr2@buffalo.edu]; [mailto:braxtonclifford@yahoo.com];
[mailto:vlouhion@bud.ny.gov]; [mailto:d15q13@roadrunner.com]; [mailto:buffalophb@verizon.net];
[mailto:nsaaronair@roadrunner.com]; [mailto:sp4364@vol.com]; [mailto:tfhiggins@yahoo.com];
[mailto:rl11@adelphia.net]; [mailto:daniel.jackson13@yahoo.com];

Subject: Police reorganization Commission

Dear Commission Members,

I apologize for my delayed response but I was out of town for a criminal justice conference. While I feel the work of the Commission is needed and necessary, especially at this time, in light of recent events I can no longer serve as a member or the Vice-Chair of the Commission. Please accept my resignation effective Saturday March 5, 2011.

It was a pleasure meeting and working with you. Best of luck in your endeavors.

Sincerely,

Jim

James J. Sobol, Ph.D.

[Redacted signature block]

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From: Rodriguez, Crystal J.

Sent: Monday, March 07, 2011 11:50 AM

To:

[REDACTED]

Subject: RE: Police reorganization Commission

Dear Commission Members:

After a tremendous amount of thought, I find it necessary to resign and ask that you would please accept my resignation effective March 7, 2011.

I wish you the best of luck.

CJR-L

Crystal J. Rodríguez-Lane, J.D., LL.M.

Executive Director

Commission on Citizens' Rights and Community Relations City of Buffalo

crodriguez@City-Bufferalo.com 716-851-8000

191
From: susanobaird [REDACTED]
Sent: Monday, March 07, 2011 3:21 PM
To: [REDACTED]

Subject: Re: Police reorganization Commission

Dear Commission Members,

As several of you know, I have been in New York on family business since last Thursday 3/3/11 returning only yesterday. After receiving the stunning news concerning the arrest of Ricky Allen via e-mail late Thursday, I have attempted to keep up with all news reports and e-mail communications sent by Commission members.

In December 2010 I was asked to serve on the Commission. I accepted, hoping to contribute to a fair and open process that would result in real change. The Commission's charge to develop credible recommendations that would help to improve the safety and protection of our community as well as our dedicated police officers was long overdue. The major strength of the "Joint Commission's" final recommendations would come from it's collaborative structure involving the police, citizens, law enforcement professionals, and politicians.

Unfortunately, the arrest, news report, and subsequent antagonistic remarks by members representing the Commission have inflicted irreparable damage to the integrity and in the end the credibility of the Commission's work. Therefore, it is with disappointment that I can no longer serve as a member of the Commission. Please accept my resignation as of today, March 7, 2011.

Sincerely,

Susan O'Connor Baird

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From: Tom Higgins [REDACTED]
Sent: Tuesday, March 08, 2011 9:58 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: Resignation from Police Comm.Board

Dear [REDACTED]: Please convey this message to the board members that I am resigning from the Police Commission Board of directors effective immediately. I do so for the following reasons; the allegations against Mr. Rickey Allen, the criminal background of another board member, the resignations of several other members for various reasons, the on going dispute between Council member Kearns and the Police Commissioner, and the threatening tone of Mr. Terry O'Neills e-mail of 3/5/11.

This board was set in place to assist the Buffalo Police Department with recommendations to improve it's operations, not to get into arguments with the commissioner. If anything needed to be aired out it should have been in private and not in the media. In addition, the Mayor has not assigned anyone to the board.

Respectfully

Thomas F. Higgins

00033



February 25, 2011

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CHANGE OF ADDRESS
1 MUSEUM COURT

MARK JASKULA
SR. LEGISLATIVE ASSISTANT
THE COMMON COUNCIL
65 NIAGARA SQUARE RM 1413
BUFFALO NY 14202-3318

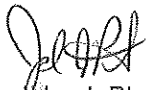
Dear Mr. Jaskula:

This is in reply to your request for comments regarding the proposal to change the street address for the Buffalo and Erie County Historical Society at 25 Nottingham Court to "1 Museum Court."

The U.S. Postal Service does not foresee any negative impact from a service point of view, and we therefore offer our recommendation to the Council to approve the proposal.

In addition, we offer our services to the Historical Society to help them with the submission of the required change-of-address information and other related postal matters.

Sincerely,



John J. Phelan
Postmaster, Buffalo NY

cc: Doug Hlavaty, Mgr. AMS

REFERRED TO THE COMMITTEE
ON LEGISLATION.

1200 WILLIAM ST
BUFFALO NY 14240-9998
716-846-2401
FAX: 716-846-2407

28

00034



Common Council

City of Buffalo

DEMONE A. SMITH
MASTEN DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, ROOM 1316A
BUFFALO, NY 14202-3318
PHONE: 851-5145 • FAX: 851-5443
E-mail: dsmith@city-buffalo.com
Website: <http://www.city-buffalo.com>

CULTURAL UNITY
FESTIVAL

LEGISLATIVE ASSISTANTS

TIFFANY LEWIS
TASHENE EUBANKS

CHAIRMAN

EDUCATION
MINORITY BUSINESS ENTERPRISE

COMMITTEES

COMMUNITY DEVELOPMENT

February 22, 2011

Gerald Chwalinski
City Clerk
1308 City Hall
Buffalo, NY 14202

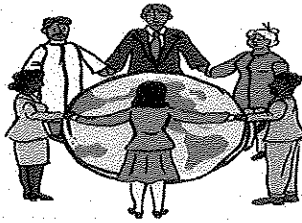
Dear Mr. Chwalinski,

Please file the attached correspondence for the next Common Council meeting to be held on March 8, 2011. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Demone Smith".

Demone Smith
Masten District Council Member



February 7, 2011

Councilman Demone Smith

Dear Councilman Smith:

Where as Buffalo waves the admirable slogan: "City of Good Neighbors", it also holds, however, the unflattering distinction of being one of the most ethnically divided cities in the America. And, as if to confirm this awkward contradiction between what we say that we are and what we exhibit, every summer each separate community celebrates their own ethnic pride.-festival. Where as I believe it is important to take "pride" in your own cultural richness, there should also be a venue to celebrate and reinforce the fact that we our one city, that is richly and culturally diverse. Surrounded by many natural wonders and talented human beings.

I would like to propose a "Cultural Unity Festival." A day where representatives from the various council districts could send cultural representation from their respective district- a cultural ambassador if you well- to participate in one humongous, cultural, assembly along Jefferson Avenue: Unity Art Festival.

The Unity Art Festival is proposed for July 9th along Jefferson Avenue between East Utica and East Ferry. Logistically, a table or space could be provided for each council distract representation. In addition, a stage will enable each district to show case performing art contributions. This area also has a number of vacant lots which could be used to stage delicious ethnic dishes and/or art samplings under attractive tents.

If given the opportunity, I would like to discuss the feasibility of sharing this project with you and the other councilmen in an effort to enlist their ideas and support.

Sincerely,

D. Sylvester Dihaan

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

00035



Common Council

City of Buffalo

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DEMONE A. SMITH
MASTEN DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, ROOM 1316A
BUFFALO, NY 14202-3318
PHONE: 851-5145 • FAX: 851-5443
E-mail: dsmith@city-buffalo.com
Website: <http://www.city-buffalo.com>

PROPOSED
DELI LICENSE
AGREEMENT

LEGISLATIVE ASSISTANTS
TIFFANY LEWIS
TODD McALISTER
CHAIRMAN
EDUCATION
MINORITY BUSINESS ENTERPRISE
COMMITTEES
COMMUNITY DEVELOPMENT

January 31, 2011

Mr. Timothy Ball
Corporation Council – Law Department
City Hall Room 1124
Buffalo, NY 14202

Dear Mr. Ball,

Enclosed is a proposed Deli License Code of Ethics Agreement that I am proposing to use for New Deli Stores and those seeking to renew their licenses.

I am asking for your legal opinion on the legality of this proposed agreement. Thank you for your attention to this matter. If you have any questions or concerns, please feel free to contact me at 851-5145. Thank you.

Sincerely,

Demone Smith
Masten District Council Member

REFERRED TO THE COMMITTEE
ON LEGISLATION.

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DELI LICENCE CODE OF ETHICS AGREEMENT

We expect your business and employees to read and understand this Deli License Code of Ethics Agreement and its application to the performance of your business responsibilities. We will hold all business owners & employees accountable for adherence to this Code. Businesses are mandated to adhere to:

1. No loitering in and around building with visible "No loitering" signs on outside of Building
2. No sale of illegal products
3. No alcohol or tobacco ads on outside of store/building
4. Coolers & mechanical equipment are clean and in working order
5. All graffiti will be taken down within 48 hours
6. Adherence of No Sale of Age restricted products to minors or people buying products from them
7. Keep a clean store
8. Treat all customers with respect
9. Not harbor, contribute, encourage or participate in any illegal or other activities detrimental to the neighborhood
10. Hand painted signs must be approved by the Department of Inspections
11. Not sell old or outdated food
12. Not sell any loose cigarettes, one-hit tobacco pipes, or glass tubes
13. Provide a Waste/Garbage can outside of building
14. No obstruction of Windows
15. Attend Neighborhood Association meeting when requested

WHEREFORE, I agree to follow all local, state and Federal Ordinances, Laws, & Regulations. Any violations of this Code of Ethics are cause for termination of Deli license.

Name (Print or Type): _____

Company: _____

Title: _____

Address: _____

City, State & Zip: _____

Contact Number: _____

I agree to the terms covered in this Agreement:

Signature: _____ Date: _____



Common Council

City of Buffalo

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DEMONE A. SMITH
MASTEN DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, ROOM 1316A
BUFFALO, NY 14202-3318
PHONE: 851-5145 • FAX: 851-5443
E-mail: dsmith@city-buffalo.com
Website: <http://www.city-buffalo.com>

LEGISLATIVE ASSISTANTS
TIFFANY LEWIS
TODD McALISTER
CHAIRMAN
EDUCATION
MINORITY BUSINESS ENTERPRISE
COMMITTEES
COMMUNITY DEVELOPMENT

November 29, 2010

~~Mr. Timothy Ball, Esq.~~
Corporation Council-Law Department
City Hall Room 1124
Buffalo, NY 14202

Dear Mr. Ball Esq,

In a few months Deli Store license renewals will be up for approval by the Common Council. I am interested in trying to do 5 things:

- 1) Establish a 93 day time limit on new Deli Store license approvals. If the license is not approved within the 93 day time period it will be an automatic denial.
- 2) Clarify the fire ordinance for Deli license to determine its necessity
- 3) Have a clear process for receiving a Deli license
- 4) Have a representative from the neighborhood block club; if no block club available, neighborhood association; if that is not available, a representative of the Board of Block Clubs appointed to all Deli Hearings
- 5) Have stores sign a standard code of ethics with the Deli license City inspections that includes but is not limited to:

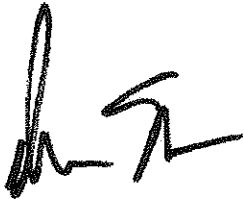
Code of Ethics

- No alcohol or tobacco ads on outside of store/building
- No loitering in and around building with signs
- No sale of illegal products
- Coolers & mechanical equipment are clean and in working order
- Acknowledgment of No Sale of Age restricted products to minors or people buying products from them
- An agreement to keep a clean store
- An agreement to treat all customers with respect
- Not to harbor, contribute, encourage or participate in any illegal activity

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- No sale of loose cigarettes
 - Hand painted signs must be approved by the Department of Inspections
 - Any violations of items of this Code of Ethics can be cause for termination
 - Will not exploit area youth
 - Will not sell any age restricted products to anyone under age or the age purchase for someone underage
 - Keep a clean store
 - Treat all customers with respect
 - Follow all local, state and Federal ordinances, Laws and Regulations any violations of these Codes of Ethics can be cause for termination of Deli license

I am requesting your legal opinion of these aforementioned items. Thank you for your attention to these matters. If there are any questions or concerns please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Demone Smith', with a stylized flourish at the end.

Demone Smith
Masten District Council Member

00036

FRACKING CONCERNS

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Dear Buffalo Common Council,

I was shocked when I heard that the Buffalo Sewer Authority had been accepting hydro-fracking wastewater for at least the last year. The BSA does not have the adequate technology to treat the fracking waste, and only about two places in all of the state can properly clean the waste. Speaking on behalf of Frack Action Buffalo, the community is feeling a sense of panic and seeks to be heard.

Fracking wastewater contains the 600+ chemicals used for drilling, as well as possible radioactivity and other substances from the rock. Several chemicals used in hydro-fracking are known carcinogens, endocrine disruptors, and pose a variety of health issues. The waste should actually be classified as hazardous material. Because the waste cannot be properly treated here, those living downstream along the Niagara River in Tonawanda, North Tonawanda, Grand Island, etc have potentially been ingesting these toxins through their drinking water. If the communities along the river were to understand the severity of what they were ingesting over the years, that could mean potential problems for the Buffalo Sewer Authority and the city. Furthermore, beautiful Niagara Falls, a local landmark, has been tainted by these chemicals. Niagara Falls leads in to Lake Ontario, as well, so one of the Great Lakes is now being tainted with these chemicals. These waterways, our health, wildlife, and the environment should never be put at risk like this.

I realize the Buffalo Common Council does not have much authority over the BSA, but residents are left asking-- Who is being held accountable for what has happened? Has Mr. Comerford, head of the BSA, felt the effects of his actions? Those living along the Niagara River as well as the wildlife within it surely have. That's why the community is calling for Mr. Comerford's resignation, as his name was signed on the contracts with the third-party waste company, and it clearly states that the waste comes from drilling pits. If he was not intentionally accepting the waste, then he was not reading the contracts he signs his names to- either of which means his job as the head of the BSA was not being done properly. Mr. Comerford cannot possibly know that the waste was treated properly, as he is probably not familiar with all of the hundreds of chemicals used in the process. Furthermore, it is a known fact that hydro-fracking waste needs specialized treatment, which is why the waste could not have possibly been cleaned properly at the BSA. Further investigation would show that the technology to clean the waste is not present at the BSA, as special processes and protocols need to be put in place to clean each harmful substance.

Mr. Comerford has been caught in a series of lies, as he stated to the Artvoice in the past that his facility was not accepting fracking waste, and we later found out they were. Then he stated that the waste was being treated adequately, which we know it could not have possibly been. How much more will we take when public health and safety is on the line? When our resources and environment is on the line? The Artvoice has done a four part piece on the BSA, and it's apparent that this issue is not going away. Included is a copy of the most recent installation.

Though the Common Council may not be able to regulate what the sewer authority treats, the city can regulate what comes in to the city limits. If the drilling waste is being transferred on city-owned roads, that would be against "Buffalo's Community Protection from Natural Gas Extraction Ordinance", as it states:

"Whereas, this ordinance prohibits the exploration for and extraction of natural gas and the storage, transfer, treatment or disposal of natural gas exploration and production wastes within the City of Buffalo, in order to preserve and protect the public health, safety and welfare of the residents and neighborhoods of Buffalo..."

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The Buffalo Sewer Authority is endangering citizens of Buffalo by exposing us to toxic chemicals that would not otherwise be in our environment. The waste often comes from different counties, and creates a problem for those living in Buffalo. The city should not allow companies to break the new drilling prohibition law.

A *New York Times* February 26, 2011 article (which is included) found that upon completion of drilling, gas companies dispose of the used hydraulic fracturing water at municipal wastewater plants that are incapable of filtering the naturally existing radioactive substances that are dug up and mixed in with fracturing water in the drilling process. The end result is wastewater plants releasing treated water into rivers and other waterways that are public sources of drinking water as well as fish that are used for food.

I am relieved to hear that the BSA passed an agreement that they will no longer accept the waste, and I look forward to that being made available, as this is a public health issue. The community hopes to see steps taken toward Mr. Comerford's resignation, as he has been poisoning area residents and local waterways, including Niagara Falls and a Great Lake, for over a year now, whether this was done intentionally or due to negligence. I also look forward to the Buffalo Common Council beginning to enforce their new law to prohibit gas drilling waste from entering the city of Buffalo. Thank you.

Sincerely,
Rita Yelda
Frack Action Buffalo Organizer
ryelda@gmail.com

REFERRED TO THE COMMITTEE
ON LEGISLATION.

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Artvoice

February 10, 2011

Follow the frack fluid, part 4:

If we'd known this would turn into a weekly feature, we'd have come up with a better title for it. Ah well.

For the past month, you've been reading in this column that the **Buffalo Sewer Authority** has been accepting wastewater generated at drill sites operated by **US Energy**, a Getzville company. Like most gas well drillers, US Energy uses a technique called hydraulic fracturing, or **fracking**, to break up shale deposits and free pockets of gas. The fluid used in fracking comprises a long list of toxic chemicals, and some of the additives are proprietary blends—which is to say, one does not know exactly what they contain or in what quantity. This complicates testing and treating the wastewater that returns to the surface after a well is fracked.

When we first learned that Buffalo Sewer Authority might be accepting this waste, through US Energy's filings with the New York State Department of Environmental Conservation, we were assured by Buffalo Sewer Authority Commissioner **David Comerford** that the authority had never accepted frack fluid. And the DEC told us that the Buffalo Sewer Authority had never acknowledged receiving nor sought a permit to receive frack fluid.

Then, a few days later, Comerford allowed that the authority had accepted frack fluid but had been told by **Waste Technology Services**, the Lewiston firm that US Energy contracts as a hauler, that it was "**just water**" and "**runoff**."

Now we've learned that just last week Comerford **canceled two discharge permits** held by Waste Technology Services that allowed the company to truck and dump frack fluid here. As it turns out, they had a contract.

In a letter dated February 1 to James J. Weber of Waste Technology Services, Comerford explained that BSA "has a policy of not accepting hydrofracturing fluid." Because US Energy recently had acknowledged that some of the wastewater the company ships to BSA is frack fluid, Comerford wrote, the authority could no longer accept it.

Comerford certainly should not have needed *Artvoice's* reporting or recent communications with US Energy to know that BSA was accepting frack fluid. The contract he signed with Waste Technology Services on February 17, 2010, specifically says that the discharge permit is for "**treated ground water/pit water from gas well drilling**." In other words, frack fluid. The permits allowed the discharge of up to 40,000 gallons per day and covered wastewater generated at 157 well sites throughout Western New York. (The number of well sites comes from a 2009 email from Weber to the Buffalo Sewer Authority's **Leslie Sedita**, who also told *Artvoice* that the authority did not accept wastewater from gas drilling sites.)

So why did Comerford and Sedita tell us that their agency had never accepted frack fluid when clearly it had done so? And why did the authority accept the waste if, as Comerford writes in his letter, it has a

policy that specifically forbids it from doing so?

Lovejoy Councilman **Rich Fontana** hopes to get answers to those questions soon. Fontana submitted a resolution this week that would prohibit the Buffalo Sewer Authority from receiving waste generated by gas well drilling. He's also asking Comerford to appear before the Council to answer questions about the issue.

On Tuesday, Buffalo's Common Council also passed a ban on drilling for natural gas within city limits, in response to concerns about the environmental consequences of fracking. The vote was unanimous, and earned a round of applause from the 25 or so anti-fracking activists who attended the session. (They applauded again later in the session when the Council passed a resolution sponsored by North District Councilman **Joe Golombek** calling for consolidation of the authorities that run the region's border crossings; Council President Dave Franczyk banged his gavel and said, smiling, "**You get one round of applause per meeting.**") Buffalo is the first city in the state and only the second in the country to ban fracking. The ban is essentially symbolic: Though there have been gas wells drilled in the city, none are active, according to a DEC database. And no drilling companies are contemplating hydrofracked gas fields in Buffalo. But activists hope that other municipalities, especially those in rural areas that are rich in shale gas, will follow suit.

There's also the issue of frack fluid and its disposal, which is an issue that should concern all Great Lake communities. Fontana says that he's traveling to Cleveland to make a presentation to that city's legislators about Buffalo's ban. (gk)

Read more: http://artvoice.com/issues/v10n6/week_in_review/seven_days#ixzz1FMnRiwCJ

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February 26, 2011

The New York Times

Regulation Lax as Gas Wells' Tainted Water Hits Rivers

By IAN URBINA

The American landscape is dotted with hundreds of thousands of new wells and drilling rigs, as the country scrambles to tap into this century's gold rush — for natural gas.

The gas has always been there, of course, trapped deep underground in countless tiny bubbles, like frozen spills of seltzer water between thin layers of shale rock. But drilling companies have only in recent years developed techniques to unlock the enormous reserves, thought to be enough to supply the country with gas for heating buildings, generating electricity and powering vehicles for up to a hundred years.

So energy companies are clamoring to drill. And they are getting rare support from their usual sparring partners: Environmentalists say using natural gas will help slow climate change because it burns more cleanly than coal and oil. Lawmakers hail the gas as a source of jobs. They also see it as a way to wean the United States from its dependency on other countries for oil.

But the relatively new drilling method — known as high-volume horizontal hydraulic fracturing, or hydrofracking — carries significant environmental risks. It involves injecting huge amounts of water, mixed with sand and chemicals, at high pressures to break up rock formations and release the gas.

With hydrofracking, a well can produce over a million gallons of wastewater that is often laced with highly corrosive salts, carcinogens like benzene and radioactive elements like radium, all of which can occur naturally thousands of feet underground. Other carcinogenic materials can be added to the wastewater by the chemicals used in the hydrofracking itself.

While the existence of the toxic wastes has been reported, thousands of internal documents obtained by The New York Times from the Environmental Protection Agency, state regulators and drillers show that the dangers to the environment and health are greater than previously understood.

The documents reveal that the wastewater, which is sometimes hauled to sewage plants not designed to treat it and then discharged into rivers that supply drinking water, contains radioactivity at levels higher than previously known, and far higher than the level that federal regulators say is safe for these treatment plants to handle.

Other documents and interviews show that many E.P.A. scientists are alarmed, warning that the drilling waste is a threat to drinking water in Pennsylvania. Their concern is based partly on a 2009 study, never made public, written by an E.P.A. consultant who concluded that some sewage treatment plants were incapable of removing certain drilling waste contaminants and were probably violating the law.

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The Times also found never-reported studies by the E.P.A. and a confidential study by the drilling industry that all concluded that radioactivity in drilling waste cannot be fully diluted in rivers and other waterways.

But the E.P.A. has not intervened. In fact, federal and state regulators are allowing most sewage treatment plants that accept drilling waste not to test for radioactivity. And most drinking-water intake plants downstream from those sewage treatment plants in Pennsylvania, with the blessing of regulators, have not tested for radioactivity since before 2006, even though the drilling boom began in 2008.

In other words, there is no way of guaranteeing that the drinking water taken in by all these plants is safe.

That has experts worried.

"We're burning the furniture to heat the house," said John H. Quigley, who left last month as secretary of Pennsylvania's Department of Conservation and Natural Resources. "In shifting away from coal and toward natural gas, we're trying for cleaner air, but we're producing massive amounts of toxic wastewater with salts and naturally occurring radioactive materials, and it's not clear we have a plan for properly handling this waste."

The risks are particularly severe in Pennsylvania, which has seen a sharp increase in drilling, with roughly 71,000 active gas wells, up from about 36,000 in 2000. The level of radioactivity in the wastewater has sometimes been hundreds or even thousands of times the maximum allowed by the federal standard for drinking water. While people clearly do not drink drilling wastewater, the reason to use the drinking-water standard for comparison is that there is no comprehensive federal standard for what constitutes safe levels of radioactivity in drilling wastewater.

Drillers trucked at least half of this waste to public sewage treatment plants in Pennsylvania in 2008 and 2009, according to state officials. Some of it has been sent to other states, including New York and West Virginia.

Yet sewage treatment plant operators say they are far less capable of removing radioactive contaminants than most other toxic substances. Indeed, most of these facilities cannot remove enough of the radioactive material to meet federal drinking-water standards before discharging the wastewater into rivers, sometimes just miles upstream from drinking-water intake plants.

In Pennsylvania, these treatment plants discharged waste into some of the state's major river basins. Greater amounts of the wastewater went to the Monongahela River, which provides drinking water to more than 800,000 people in the western part of the state, including Pittsburgh, and to the Susquehanna River, which feeds into Chesapeake Bay and provides drinking water to more than six million people, including some in Harrisburg and Baltimore.

Lower amounts have been discharged into the Delaware River, which provides drinking water for more than 15 million people in Philadelphia and eastern Pennsylvania.

In New York, the wastewater was sent to at least one plant that discharges into Southern Cayuga Lake, near Ithaca, and another that discharges into Owasco Outlet, near Auburn. In West Virginia, a plant in Wheeling discharged gas-drilling wastewater into the Ohio River.

"Hydrofracking impacts associated with health problems as well as widespread air and water contamination have been reported in at least a dozen states," said Walter Hang, president of Toxics Targeting, a business in Ithaca, N.Y., that compiles data on gas drilling.

Problems in Other Regions

While Pennsylvania is an extreme case, the risks posed by hydrofracking extend across the country.

2006

There were more than 493,000 active natural-gas wells in the United States in 2009, almost double the number in 1990. Around 90 percent have used hydrofracking to get more gas flowing, according to the drilling industry.

Gas has seeped into underground drinking-water supplies in at least five states, including Colorado, Ohio, Pennsylvania, Texas and West Virginia, and residents blamed natural-gas drilling.

Air pollution caused by natural-gas drilling is a growing threat, too. Wyoming, for example, failed in 2009 to meet federal standards for air quality for the first time in its history partly because of the fumes containing benzene and toluene from roughly 27,000 wells, the vast majority drilled in the past five years.

In a sparsely populated Sublette County in Wyoming, which has some of the highest concentrations of wells, vapors reacting to sunlight have contributed to levels of ozone higher than those recorded in Houston and Los Angeles.

Industry officials say any dangerous waste from the wells is handled in compliance with state and federal laws, adding that drilling companies are recycling more wastewater now. They also say that hydrofracking is well regulated by the states and that it has been used safely for decades.

But hydrofracking technology has become more powerful and more widely used in recent years, producing far more wastewater. Some of the problems with this drilling, including its environmental impact and the challenge of disposing of waste, have been documented by ProPublica, The Associated Press and other news organizations, especially out West.

And recent incidents underscore the dangers. In late 2008, drilling and coal-mine waste released during a drought so overwhelmed the Monongahela that local officials advised people in the Pittsburgh area to drink bottled water. E.P.A. officials described the incident in an internal memorandum as "one of the largest failures in U.S. history to supply clean drinking water to the public."

In Texas, which now has about 93,000 natural-gas wells, up from around 58,000 a dozen years ago, a hospital system in six counties with some of the heaviest drilling said in 2010 that it found a 25 percent asthma rate for young children, more than three times the state rate of about 7 percent.

"It's ruining us," said Kelly Gant, whose 14-year-old daughter and 11-year-old son have experienced severe asthma attacks, dizzy spells and headaches since a compressor station and a gas well were set up about two years ago near her house in Bartonville, Tex. The industry and state regulators have said it is not clear what role the gas industry has played in causing such problems, since the area has had high air pollution for a while.

"I'm not an activist, an alarmist, a Democrat, environmentalist or anything like that," Ms. Gant said. "I'm just a person who isn't able to manage the health of my family because of all this drilling."

And yet, for all its problems, natural gas offers some clear environmental advantages over coal, which is used more than any other fuel to generate electricity in the United States. Coal-fired power plants without updated equipment to capture pollutants are a major source of radioactive pollution. Coal mines annually produce millions of tons of toxic waste.

But the hazards associated with natural-gas production and drilling are far less understood than those associated with other fossil fuels, and the regulations have not kept pace with the natural-gas industry's expansion.

Pennsylvania, Ground Zero

Pennsylvania, which sits atop an enormous reserve called the Marcellus Shale, has been called the Saudi Arabia of natural gas.

This rock formation, roughly the size of Greece, lies more than a mile beneath the Appalachian landscape, from Virginia to the southern half of New York. It is believed to hold enough gas to supply the country's energy needs for heat and electricity, at current consumption rates, for more than 15 years.

Drilling companies were issued roughly 3,300 Marcellus gas-well permits in Pennsylvania last year, up from just 117 in 2007.

This has brought thousands of jobs, five-figure windfalls for residents who lease their land to the drillers and revenue for a state that has struggled with budget deficits. It has also transformed the landscape of southwestern Pennsylvania and brought heavy burdens.

Drilling derricks tower over barns, lining rural roads like feed silos. Drilling sites bustle around the clock with workers, some in yellow hazardous material suits, and 18-wheelers haul equipment, water and waste along back roads.

The rigs announce their presence with the occasional boom and quiver of underground explosions. Smelling like raw sewage mixed with gasoline, drilling-waste pits, some as large as a football field, sit close to homes.

Anywhere from 10 percent to 40 percent of the water sent down the well during hydrofracking returns to the surface, carrying drilling chemicals, very high levels of salts and, at times, naturally occurring radioactive material.

While most states require drillers to dispose of this water in underground storage wells below impermeable rock layers, Pennsylvania has few such wells. It is the only state that has allowed drillers to discharge much of their waste through sewage treatment plants into rivers.

Regulators have theorized that passing drilling waste through the plants is safe because most toxic material will settle during the treatment process into a sludge that can be trucked to a landfill, and whatever toxic material remains in the wastewater will be diluted when mixed into rivers. But some plants were taking such large amounts of waste with high salt levels in 2008 that downstream utilities started complaining that the river water was eating away at their machines.

Regulators and drilling companies have said that these cases, and others, were isolated.

"The wastewater treatment plants are effective at what they're designed to do — remove material from wastewater," said Jamie Legenos, a spokeswoman for the Pennsylvania Department of Environmental Protection, adding that the radioactive material and the salts were being properly handled.

Overwhelmed, Underprepared

For proof that radioactive elements in drilling waste are not a concern, industry spokesmen and regulators often point to the results of wastewater tests from a 2009 draft report conducted by New York State and a 1995 report by Pennsylvania that found that radioactivity in drilling waste was not a threat. These two reports were based on samples from roughly 13 gas wells in New York and 29 in Pennsylvania.

But a review by The Times of more than 30,000 pages of federal, state and company records relating to more than 200 gas wells in Pennsylvania, 40 in West Virginia and 20 public and private wastewater treatment plants offers a fuller picture of the wastewater such wells produce and the threat it poses.

Most of the information was drawn from drilling reports from the last three years, obtained by visiting regional offices throughout Pennsylvania, and from documents or databases provided by state and federal regulators in response to records requests.

Among The Times's findings:

¶More than 1.3 billion gallons of wastewater was produced by Pennsylvania wells over the past three years, far more than has been previously disclosed. Most of this water — enough to cover Manhattan in three inches — was sent to treatment plants not equipped to remove many of the toxic materials in drilling waste.

¶At least 12 sewage treatment plants in three states accepted gas industry wastewater and discharged waste that was only partly treated into rivers, lakes and streams.

¶Of more than 179 wells producing wastewater with high levels of radiation, at least 116 reported levels of radium or other radioactive materials 100 times as high as the levels set by federal drinking-water standards. At least 15 wells produced wastewater carrying more than 1,000 times the amount of radioactive elements considered acceptable.

Results came from field surveys conducted by state and federal regulators, year-end reports filed by drilling companies and state-ordered tests of some public treatment plants. Most of the tests measured drilling wastewater for radium or for “gross alpha” radiation, which typically comes from radium, uranium and other elements.

Industry officials say they are not concerned.

“These low levels of radioactivity pose no threat to the public or worker safety and are more a public perception issue than a real health threat,” said James E. Grey, chief operating officer of Triana Energy.

In interviews, industry trade groups like the Marcellus Shale Coalition and Energy in Depth, as well as representatives from energy companies like Shell and Chesapeake Energy, said they were producing far less wastewater because they were recycling much of it rather than disposing of it after each job.

But even with recycling, the amount of wastewater produced in Pennsylvania is expected to increase because, according to industry projections, more than 50,000 new wells are likely to be drilled over the next two decades.

The radioactivity in the wastewater is not necessarily dangerous to people who are near it. It can be blocked by thin barriers, including skin, so exposure is generally harmless.

Rather, E.P.A. and industry researchers say, the bigger danger of radioactive wastewater is its potential to contaminate drinking water or enter the food chain through fish or farming. Once radium enters a person's body, by eating, drinking or breathing, it can cause cancer and other health problems, many federal studies show.

Little Testing for Radioactivity

Under federal law, testing for radioactivity in drinking water is required only at drinking-water plants. But federal and state regulators have given nearly all drinking-water intake facilities in Pennsylvania permission to test only once every six or nine years.

The Times reviewed data from more than 65 intake plants downstream from some of the busiest drilling regions in the state. Not one has tested for radioactivity since 2008, and most have not tested since at least 2005, before most of the drilling waste was being produced.

And in 2009 and 2010, public sewage treatment plants directly upstream from some of these drinking-water intake facilities accepted wastewater that contained radioactivity levels as high as 2,122 times the drinking-water standard. But most sewage plants are not required to monitor for radioactive elements in the water they discharge. So there is virtually no data on such contaminants as water leaves these plants. Regulators and gas producers have repeatedly said that the waste is not a threat because it is so diluted in rivers or by treatment plants. But industry and federal research cast doubt on those statements.

A confidential industry study from 1990, conducted for the American Petroleum Institute, concluded that "using conservative assumptions," radium in drilling wastewater dumped off the Louisiana coast posed "potentially significant risks" of cancer for people who eat fish from those waters regularly.

The industry study focused on drilling industry wastewater being dumped into the Gulf of Mexico, where it would be far more diluted than in rivers. It also used estimates of radium levels far below those found in Pennsylvania's drilling waste, according to the study's lead author, Anne F. Meinhold, an environmental risk expert now at NASA.

Other federal, state and academic studies have also found dilution problems with radioactive drilling waste.

In December 2009, these very risks led E.P.A. scientists to advise in a letter to New York that sewage treatment plants not accept drilling waste with radium levels 12 or more times as high as the drinking-water standard. The Times found wastewater containing radium levels that were hundreds of times this standard. The scientists also said that the plants should never discharge radioactive contaminants at levels higher than the drinking-water standard.

In 2009, E.P.A. scientists studied the matter and also determined that certain Pennsylvania rivers were ineffective at sufficiently diluting the radium-laced drilling wastewater being discharged into them.

Asked about the studies, Pennsylvania regulators said they were not aware of them.

"Concerned? I'm always concerned," said Dave Allard, director of the Bureau of Radiation Protection. But he added that the threat of this waste is reduced because "the dilutions are so huge going through those treatment plants."

Three months after The Times began asking questions about radioactive and other toxic material being discharged into specific rivers, state regulators placed monitors for radioactivity near where drilling waste is discharged. Data will not be available until next month, state officials said.

But the monitor in the Monongahela is placed upstream from the two public sewage treatment plants that the state says are still discharging large amounts of drilling waste into the river, leaving the discharges from these plants unchecked and Pittsburgh exposed.

Plant Operators in the Dark

In interviews, five treatment plant operators said they did not believe that the drilling wastewater posed risks to the public. Several also said they were not sure of the waste's contents because the limited information drillers provide usually goes to state officials.

"We count on state regulators to make sure that that's properly done," said Paul McCurdy, environmental specialist at Ridgway Borough's public sewage treatment plant, in Elk County, Pa., in the northwest part of the state.

Mr. McCurdy, whose plant discharges into the Clarion River, which flows into the Ohio and Mississippi Rivers, said his plant was taking about 20,000 gallons of drilling waste per day.

Like most of the sewage treatment plant operators interviewed, Mr. McCurdy said his plant was not equipped to remove radioactive material and was not required to test for it.

Documents filed by drillers with the state, though, show that in 2009 his facility was sent water from wells whose wastewater was laced with radium at 275 times the drinking-water standard and with other types of radiation at more than 780 times the standard.

Part of the problem is that industry has outpaced regulators. "We simply can't keep up," said one inspector with the Pennsylvania Department of Environmental Protection who was not authorized to

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speak to reporters. "There's just too much of the waste."

"If we're too hard on them," the inspector added, "the companies might just stop reporting their mistakes."

Recently, Pennsylvania has tried to increase its oversight, doubling the number of regulators, improving well-design requirements and sharply decreasing how much drilling waste many treatment plants can accept or release. The state is considering whether to require treatment plants to begin monitoring for radioactivity in wastewater.

Even so, as of last November, 31 inspectors were keeping tabs on more than 125,000 oil and gas wells. The new regulations also allowed at least 18 plants to continue accepting the higher amounts set by their original permits.

Furthermore, environmental researchers from the University of Pittsburgh tested wastewater late last year that had been discharged by two treatment plants. They say these tests will show, when the results are publicly released in March, that salt levels were far above the legal limit.

Lax Oversight

Drilling contamination is entering the environment in Pennsylvania through spills, too. In the past three years, at least 16 wells whose records showed high levels of radioactivity in their wastewater also reported spills, leaks or failures of pits where hydrofracking fluid or waste is stored, according to state records.

Gas producers are generally left to police themselves when it comes to spills. In Pennsylvania, regulators do not perform unannounced inspections to check for signs of spills. Gas producers report their own spills, write their own spill response plans and lead their own cleanup efforts.

A review of response plans for drilling projects at four Pennsylvania sites where there have been accidents in the past year found that these state-approved plans often appear to be in violation of the law.

At one well site where several spills occurred within a week, including one that flowed into a creek, the well's operator filed a revised spill plan saying there was little chance that waste would ever enter a waterway.

"There are business pressures" on companies to "cut corners," John Hanger, who stepped down as secretary of the Pennsylvania Department of Environmental Protection in January, has said. "It's cheaper to dump wastewater than to treat it."

Records back up that assertion.

From October 2008 through October 2010, regulators were more than twice as likely to issue a written warning than to levy a fine for environmental and safety violations, according to state data. During this period, 15 companies were fined for drilling-related violations in 2008 and 2009, and the companies paid an average of about \$44,000 each year, according to state data.

This average was less than half of what some of the companies earned in profits in a day and a tiny fraction of the more than \$2 million that some of them paid annually to haul and treat the waste.

And prospects for drillers in Pennsylvania are looking brighter.

In December, the Republican governor-elect, Tom Corbett, who during his campaign took more gas industry contributions than all his competitors combined, said he would reopen state land to new drilling, reversing a decision made by his predecessor, Edward G. Rendell. The change clears the way for as many as 10,000 wells on public land, up from about 25 active wells today.

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In arguing against a proposed gas-extraction tax on the industry, Mr. Corbett said regulation of the industry had been too aggressive.

"I will direct the Department of Environmental Protection to serve as a partner with Pennsylvania businesses, communities and local governments," Mr. Corbett says on his Web site. "It should return to its core mission protecting the environment based on sound science."

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PETITIONS

March 8, 2011

OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI

City Clerk
Registrar of Vital Statistics

WILMER OLIVENCIA, JR.

Deputy City Clerk

DIANA RICO

Deputy City Clerk Vital Statistics
Deputy Registrar of Vital Statistics



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

This is to acknowledge that I have been informed as to the time and place
For the public hearing regarding:

618 Delaware, Alter existing Lobby - Wine Bar + Cafe
with outdoor Cafe

To be held in the Council Chamber, 13th Floor, City Hall On:

March 15, 2011

at 2:00 PM

I am also informed that this is the only notice that the petitioner and or owner
will receive, and that if I am not the owner or petitioner, I will inform said
owner, petitioner or his/her agent of the above.

Signed [Signature] (Agent/Owner)

Print Name David Sutton

Phone # 651.0381

Date 2/23/11

ATTENTION

PLEASE ALSO CONTACT BILL GRILLO PRINCIPAL PLANNER,
851-5086 FOR PLANNING BOARD MEETING.

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

Page 1

Report Date 02/23/2011 10:16 AM

Submitted By DAVID KRUG

A/P # 165004

Application Information

Stages	Date / Time	By	Date / Time	By
Processed	02/23/2011 10:10	KRUGD	Temp COO	
Issued			COO	
Final			Expires	

Associated Information

Type of Work	# Plans	0
Dept of Commerce	# Pages	0
Priority	<input checked="" type="checkbox"/> Auto Reviews	Bill Group
Square Footage	0.00	Name

Valuation

Declared Valuation	100000.00
Calculated Valuation	0.00
Actual Valuation	0.00

Description of Work

COMMON COUNCIL APPROVAL REQ. (RESTRICTED USE IN THE "SPECIAL DELAWARE DIST. AND ENCROACHMENT ON CITY R.O.W.) PUBLIC HEARING REQ. -FEE REQ. ALTER EXISTING LOBBY SPACE FOR A "B" OCCUPANCY- WINE BAR AND CAFE UNDER 50 PEOPLE WITH AN OUTDOOR CAFE. PLANS REQ.

Parent A/P #	Project/Phase Name	Phase #
Project #	Size Description	
Size/Area		

Property/Site Information

Address 618 DELAWARE
BUFFALO NY 14202-

Location

Owner/Tenant

Contact ID AC60244	Name BENDERSON RONALD (TR)	Organization	
Mailing Address 570 DELAWARE AVE		State/Province NY	
City BUFFALO		Country USA	<input type="checkbox"/> Foreign
ZIP/PC 14202-1284		Evening Phone	
Day Phone		Mobile #	
Fax		Owner Y	From 02/20/2011 To
Occupant N	From	To	
Contact ID AC1257529	Name C/O BENDERSON DEV CO INC BENDERSON RONALD (TR)	Organization	
Mailing Address 570 DELAWARE		State/Province NY	
City BUFFALO		Country USA	<input type="checkbox"/> Foreign
ZIP/PC 14202-1284		Evening Phone	
Day Phone		Mobile #	
Fax		Owner Y	From 02/22/2005 To 05/06/2007
Occupant N	From	To	

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

1007000005002000

A/P Linked Parcels

No Parcels are linked to this Application

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

Report Date 02/23/2011 10:16 AM

Submitted By DAVID KRUG

Page 2

Applicants/Contacts

No Applicant Contacts

Contractors

Primary Y Capacity Type
Effective Expire
Contact ID TBB Name TO BE BID
Phone (716)851-4924 x Fax Address 301 CITY HALL
Comments BUFFALO, NY 14202-
DAVE SUTTON 651-0381

License #	Type	Contact ID	Name
999999	HIM	AC125720	TO BE BID

Item Description	Item Status
Check Fees	Fees Failed
APPLICATION FEE (\$50.00)	Unpaid
GC PLAN REVIEW - BUSINESS (\$50.00)	Unpaid
GC PMT, INSP, C OF O FEE - BUSINESS (\$48.00)	Unpaid
GC PMT, INSP, C OF O - INITIAL FEE (\$200.00)	Unpaid
Check Inspections	Inspections Successful
Check Reviews	Reviews Failed
542362 CITY WIDE CITY WIDE SITE PLAN APPROVAL	Incomplete
542360 LANDMARK LANDMARK PROPERTY DISCTRICK	Incomplete
542361 PRES PRESERVATION BOARD REVIEW	Incomplete
Check Conditions	Conditions Successful
Check Alert Conditions	Alert Conditions Successful
Check Licenses	Not Checked
Check Children Status	Children Successful
Check Open Cases	1
Case # 192483	

Fees	Status	Paid Date	Amount
APPLICATION FEE	U		50.00
GC PLAN REVIEW - BUSINESS	U		50.00
GC PMT, INSP, C OF O FEE - BUSINESS	U		48.00
GC PMT, INSP, C OF O - INITIAL FEE	U		200.00
Total Unpaid	348.00	Total Paid	0.00

Review Activities	Act #	Act Type	Status	Waived	Issued	Started	Completed
Comp By		Comments					
542362	CITY WIDE	0	N				
542360	LANDMARK	0	N		02/23/2011 10:10		
542361	PRES	0	N		02/23/2011 10:10		

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
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GC Building Application

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Report Date 02/23/2011 10:16 AM

Submitted By DAVID KRUG

Page 3

Review Activities	Act #	Act Type	Status	Waived	Issued	Started	Completed
Comp By		Comments					

Activity Review Details

No Activity Review Details

Check Conditions	Approval	Approved By	Approved Date	Applied By	Applied Date	Assigned
Condition	Supervisor Required	Comments				

No Conditions

General Construction

0 No. of Residential Units Lost ☐ Residential ☐ Work Without Permit (FINE) Debris: ☐ Truss Construction
0 No. of Residential Units Added ☐ Commercial ☐ Work Done by Owner

ELEVATORS

You must fill out the custom form on activity detail if there is ELEVATOR work to be completed.

☐ Zoning Board of Appeals

Building Construction: MAS

USE SQ FT	Sq. Ft.	Demo	GC
USE			

B	1200.00		Y
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Employee	Last	First	MI	Comments
Employee ID				

No Employee Entries

Log	Description	Entered By	Start	Stop	Hours
Action	Comments				

No Log Entries



Gun

D. Sutton, Agent, Use 448 Elmwood, Sidewalk Café in Front of Existing Sit-In Restaurant
(hrg 3/15)(Nia))

REFERRED TO THE COMMITTEE ON LEGISLATION AND THE CITY
PLANNING BOARD

OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI

City Clerk
Registrar of Vital Statistics

WILMER OLIVENCIA, JR.

Deputy City Clerk

DIANA RICO

Deputy City Clerk Vital Statistics
Deputy Registrar of Vital Statistics



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

This is to acknowledge that I have been informed as to the time and place
For the public hearing regarding:

Sidewalk Cafe 448 Elmwood

To be held in the Council Chamber, 13th Floor, City Hall On:

March 15, 2011

at 2:00 PM

I am also informed that this is the only notice that the petitioner and or owner
will receive, and that if I am not the owner or petitioner, I will inform said
owner, petitioner or his/her agent of the above.

Signed [Signature] (Agent/Owner)

Print Name [Signature] Phone # 651-5381

Date 2/23/11

ATTENTION

PLEASE ALSO CONTACT BILL GRILLO PRINCIPAL PLANNER,
851-5086 FOR PLANNING BOARD MEETING.

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

OUTDORCAFE Building Application

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Report Date 02/23/2011 09:53 AM

Submitted By DAVID KRUG

Page 1

A/P # 165002

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	02/23/2011 09:52	KRUGD	Temp COO		
Issued			COO		
Final			Expires		

Associated Information

Type of Work	# Plans	0	Declared Valuation	2000.00
Dept of Commerce	# Pages	0	Calculated Valuation	0.00
Priority	<input checked="" type="checkbox"/> Auto Reviews	Bill Group	Actual Valuation	0.00
Square Footage	0.00	Name		

Description of Work

COMMON COUNCIL APPROVAL REQ. (EXPANSION OF A RESTRICTED USE IN THE "EB" DIST. AND ENCROACHMENT ON CITY R.O.W.) PUBLIC HEARING REQ. -FEE REQ. PLACE A SIDEWALK CAFE IN FRONT OF AN EXISTING SIT-IN RESTAURANT "COFFEE CULTURE" DRAWING REQ.

Parent A/P

Project # Project/Phase Name Phase #
Size/Area Size Description

Property/Site Information

Address 448 ELMWOOD
BUFFALO NY 14222-

Location

Owner/Tenant

Contact ID AC56339	Name 11520 TRANSIT-RD INC	Organization	
Mailing Address C/O HAYDEN RICHARDS INC		State/Province TOLEDO OH	
City 6591 WEST CENTRAL SUITE		Country	<input type="checkbox"/> Foreign
ZIP/PC 43617		Evening Phone	
Day Phone		Mobile #	
Fax		Owner Y	From 05/28/2000 To 05/06/2007
Occupant N	From	To	

Contact ID AC1253680	Name C/O HAYDEN RICHARDS INC 11520 TRANSIT-RD INC	Organization	
Mailing Address		State/Province TOLEDO OH	
City 6591 WEST CENTRAL SUITE		Country	<input type="checkbox"/> Foreign
ZIP/PC 43617		Evening Phone	
Day Phone		Mobile #	
Fax		Owner Y	From 02/22/2005 To 05/06/2007
Occupant N	From	To	

Contact ID AC349442	Name ELMWOOD/BRYANT LLC	Organization	
Mailing Address 4 CENTRE DR		State/Province NY	
City ORCHARD PARK		Country USA	<input type="checkbox"/> Foreign
ZIP/PC 14127		Evening Phone	
Day Phone		Mobile #	
Fax		Owner Y	From 02/20/2011 To
Occupant N	From	To	

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

Report Date 02/23/2011 09:53 AM

Submitted By DAVID KRUG

Page 2

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

1004500004009000

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

Primary	Y	Capacity Type	
Effective		Expire	
Contact ID	OWNER	Name	OWNER/TENANT
Phone		Fax	
Comments		Address	(SEE UNDER APPLICANT)

TENANT DOING WORK AGENT IS DAVE SUTTON 651-0381

License #	Type	Contact ID	Name
000000	SBU	AC12792	OWNER OF PROPERTY
111111	HCQ	AC12792	OWNER OF PROPERTY
222222	SPC	AC123700	OWNER
FLL1234	DM1	AC12792	OWNER OF PROPERTY
000000	HIM	AC12792	OWNER OF PROPERTY

Item Description

Item Status

Check Fees	Fees Failed
APPLICATION FEE (\$25.00)	Unpaid
Check Inspections	Inspections Successful
Check Reviews	Reviews Failed
542350 CC APP COMMON COUNCIL APPROVAL REQ'D	Incomplete
542348 ELMWOOD ELMWOOD VILLAGE DISTRICT	Incomplete
Check Conditions	Conditions Successful
Check Alert Conditions	Alert Conditions Successful
Check Licenses	Not Checked
Check Children Status	Children Successful
Check Open Cases	2
Case # 192448	
Case # 192970	

Fees	Status	Paid Date	Amount
APPLICATION FEE	U		25.00
PERMIT FEE	U		0.00
	Total Unpaid	25.00	Total Paid 0.00

Review Activities

Act #	Act Type	Status	Waived	Issued	Started	Completed
Comp By	Comments					
542350	CC APP	0	N			

OUTDORCAFE Building Application

22

Page 3

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

OUTDORCAFE Building Application

Report Date 02/23/2011 09:53 AM

Submitted By DAVID KRUG

Page 4

Review Activities Act #	Act Type Comments	Status	Waived	Issued	Started	Completed
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542348	ELMWOOD	0	N	02/23/2011 09:52		
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Activity Review Details

No Activity Review Details

Check Conditions Condition	Approval Supervisor Required	Approved By Comments	Approved Date	Applied By	Applied Date	Assigned
-------------------------------	---------------------------------	-------------------------	---------------	------------	--------------	----------

No Conditions

OUTDOOR CAFE (PATIO)

Business D.B.A. COFFEE CULTURE

Length 50.0 Width 6.6

Location of Patio: ☐ Front ☒ Left Side ☐ Right Side ☐ Rear Total Area 300.0 sq. ft.

If There Is A Raised Deck

Deck Height above grade ft.

☐ 1 step - No handrails required,
no guardrails required.

☐ 2 steps or more - Handrails
required each side of stairs;
no guardrails required until
deck is 30" or more in height.

☐ Deck 30" or more in height -
Handrails and guardrails required.

Tread width (= Exit Width) in.

Does the Patio have its own exiting? (Required) ☒ Yes

Is this required exiting adequate for the patio area? ☒ Yes

Does the patio involve or affect required exiting from the building? ☐ Yes

Width of public sidewalks/walkways remaining for pedestrian passage ⁵ ft.

Type of patio boundaries:
RAILINGS

Number of Tables: 9 Number of Chairs: 25

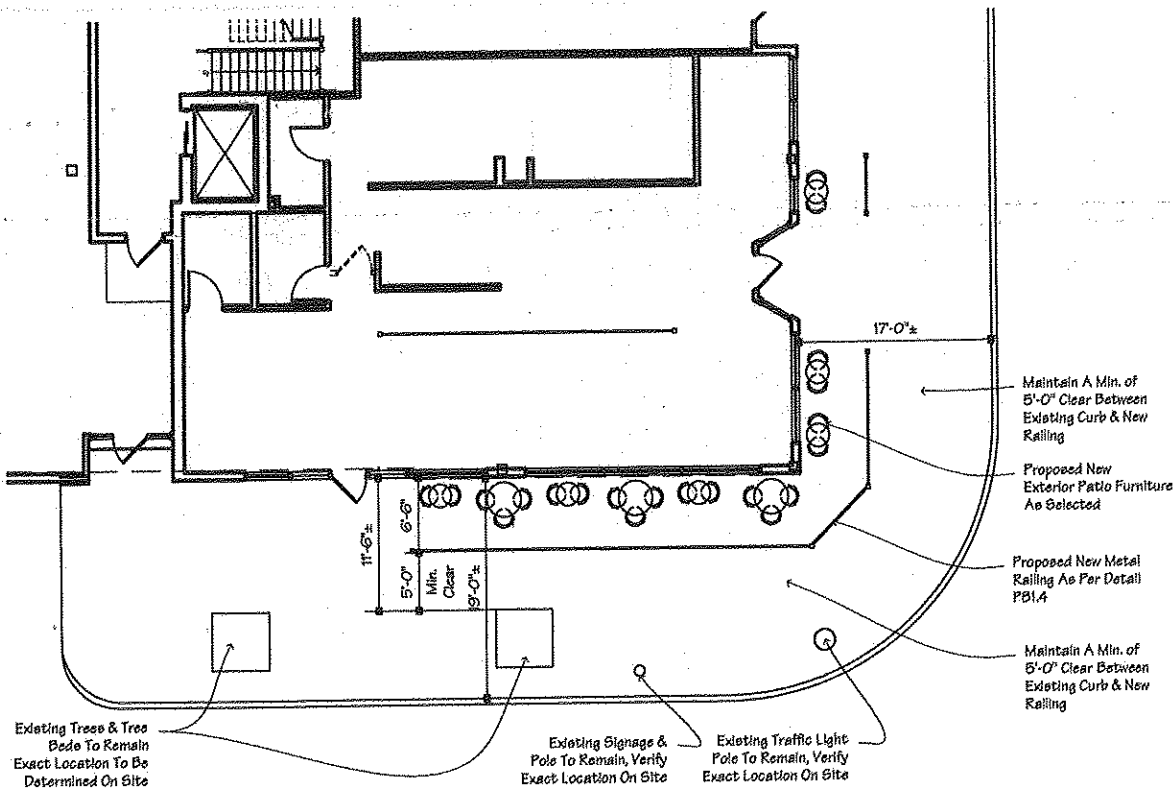
Employee Employee ID	Last	First	MI	Comments
-------------------------	------	-------	----	----------

No Employee Entries

Log Action Comments	Description	Entered By	Start	Stop	Hours
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No Log Entries

Elmwood 222



Bryant Street

00039

223

J. Mahoney, Agent, Use 100 High St for a Heli-Pad
(hrg 3/15)(Ell)

REFERRED TO THE COMMITTEE ON LEGISLATION AND THE CITY
PLANNING BOARD

34

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

224

Report Date 02/25/2011 01:49 PM

Submitted By FLD

Page 1

A/P # 165095

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	02/25/2011 13:48	DIGEF	Temp COO		
Issued			COO		
Final			Expires		

Associated Information

Type of Work
Dept of Commerce
Priority
Square Footage 0.00

Plans 0
Pages 0
Bill Group

☒ Auto Reviews
Name

Valuation

Declared Valuation 2000000.00
Calculated Valuation 0.00
Actual Valuation 0.00

Description of Work

PLANS/CITY WIDE SITE PLAN APPROVAL/COMMON COUNCIL APPROVAL (PUBLIC HEARING)REQUIRED TO ERECT A HELI-PAD ON THE ROOF OF BUILDING "A" BUFFALO GENERAL HOSPITAL.

Parent A/P #

Project #

Size/Area

Project/Phase Name

Size Description

Phase #

Property/Site Information

Address 100 HIGH
BUFFALO NY 14203-

Location

Owner/Tenant

Contact ID AC32966 Name KALEIDA HEALTH

Mailing Address 901 WASHINGTON ST

City BUFFALO

ZIP/PC 14203

Day Phone (716)843-7420 x

Fax

Occupant N From To

Organization

State/Province NY

Country USA

Evening Phone

Mobile #

Owner Y From 05/28/2000 To 05/06/2007

☐ Foreign

Contact ID AC72950 Name KALEIDA HEALTH

Mailing Address 726 EXCHANGE ST

City BUFFALO

ZIP/PC 14210

Day Phone (716)859-2002 x

Fax

Occupant N From To

Organization KALEIDA HEALTH

State/Province NY

Country USA

Evening Phone

Mobile #

Owner Y From 01/02/1957 To

☐ Foreign

Contact ID AC1232736 Name PLANT OPERATIONS DEPT

Mailing Address 100 HIGH ST

City BUFFALO

ZIP/PC 14203

Day Phone (716)859-2789 x

Fax

Occupant N From To

Organization KALEIDA HEALTH

State/Province NY

Country USA

Evening Phone

Mobile #

Owner Y From 02/22/2005 To 05/06/2007

☐ Foreign

Linked Addresses

No Addresses are linked to this Application

VP Linked Addresses

No Addresses are linked to this Application

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

Page 2

Report Date 02/25/2011 01:49 PM

Submitted By FLD

Linked Parcels

1007900002001000

Unlinked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

Primary	Y	Capacity Type	
Effective		Expire	
Contact ID	TBB	Name	TO BE BID
Phone	(716)851-4924 x	Fax	
Address	301 CITY HALL BUFFALO, NY 14202-		
Comments	HARTER SECRESAT & EMERY:JAMES MAHONEY 844-3743		

License #	Type	Contact ID	Name
999999	HIM	AC125720	TO BE BID

Item Description

Item Status

Check Fees	Fees Failed
APPLICATION FEE (\$50.00)	Unpaid
GC PLAN REVIEW - INSTITUTIONAL (\$87.50)	Unpaid
GC PMT, INSP, C OF O FEE - INSTITUTIONAL (\$7.00)	Unpaid
GC PMT,INSP,C OF O - INITIAL FEE (\$200.00)	Unpaid
Check Inspections	Inspections Successful
Check Reviews	Reviews Failed
542616 CITY WIDE CITY WIDE SITE PLAN APPROVAL	Incomplete
Check Conditions	Conditions Successful
Check Alert Conditions	Alert Conditions Successful
Check Licenses	Not Checked
Check Children Status	Children Successful
Check Open Cases	3
Case # 43857	
Case # 167452	
Case # 180484	

Fees	Status	Paid Date	Amount
APPLICATION FEE	U		50.00
GC PLAN REVIEW - INSTITUTIONAL	U		87.50
GC PMT, INSP, C OF O FEE - INSTITUTIONAL	U		7.00
GC PMT,INSP,C OF O - INITIAL FEE	U		200.00
Total Unpaid		344.50	Total Paid 0.00

Inspections

There are no Inspections for this Report

Review Activities	Act Type	Status	Waived	Issued	Started	Completed
Comp By	Comments					
542616	CITY WIDE	0	N	02/25/2011 13:48		

225

Report Date 02/25/2011 01:49 PM

Submitted By FLD

Page 3

Review Activities	Act #	Act Type	Status	Waived	Issued	Started	Completed
Comp By		Comments					

Activity Review Details

Detail 1. PRIOR REQUIRED APPROVALS

Modified By DIGEF

Modified Date/Time 02/25/2011 13:47

Comments

No Comments

PRIOR APPROVALS

Bflo Arts Commission

- ☐ Arts Comm. Approval
- ☐ Special events

City Engineering

- ☐ Curb Cuts
- ☐ Encroachment
- ☐ Oversize Trucking
- ☐ Plumbers' Cuts
- ☐ Street Cuts

City Planning

- ☒ Citywide Site Plan
- ☐ Subdivisions
- ☐ Urban Renewal

City Survey

- ☐ Address Permit
- ☐ Development
- ☐ Flood Plain

City Survey (con't)

- ☐ Subdivisions

Common Council

- ☐ Admin Office/Apts R4
- ☐ Beauty Parlor R2
- ☐ Canopy/Marquee ROW
- ☐ Freestanding Sign
- ☐ Human Service Facility
- ☐ Portable Sign in ROW
- ☐ Restricted Use Permit
- ☐ Other

Environmental Review

- ☐ S.E.Q.R.A.
- ☐ N.E.P.A.

Law Office

- ☐ Insurances Check
- ☐ Title Held

Permit Office

- ☐ Asbestos Survey
- ☐ Bond/Certified check
- ☐ First Insurances Check
- ☐ Notarized Permission/
Lease showing Use
- ☐ Rodent/Vermin Bait
- ☐ Sewer/Water Cut
- ☐ Simple Demolition
- ☐ Simple Plan Approval
- ☐ Zoning/Use Check

Preservation Board

- ☐ Preservation District
- ☐ Contiguous Check

Water Department

- ☐ New Water Supply
- ☐ Water Retention

- ☐ Asbestos Abatement

- ☐ Assessment Combination

- ☐ Public Works approval
for portable sign one year
encroachment

- ☐ Sewer Retention

- ☐ Telecommunication

- ☐ Tree over 4" at 4'

- ☐ Thruway Sign approval

- ☐ Zoning Variance

Check Conditions	Approval	Approved By	Approved Date	Applied By	Applied Date	Assigned
Condition	Supervisor Required	Comments				

No Conditions

Planning Condition	Description	Effective	Expire	Comments
--------------------	-------------	-----------	--------	----------

There is no planning condition for this project.

A/P #	A/P Type	Status	Stage	Relation
-------	----------	--------	-------	----------

No Records for This Search Criteria

Report Date 02/25/2011 01:49 PM

Submitted By FLD

Page 4

General Construction

0 No. of Residential Units Lost ☐ Residential ☐ Work Without Permit (FINE) Debris:
0 No. of Residential Units Added ☐ Commercial ☐ Work Done by Owner ☐ Truss Construction

☐ Zoning Board of Appeals

ELEVATORS

You must fill out the custom form on activity detail if there is ELEVATOR work to be completed.

Building Construction:

USE SQ FT
USE Sq Ft Demo GC

I 100.00 Y

Model Home Details
Type Model #/Option Comments

There are no items in this list

Employee
Employee ID Last First MI Comments

No Employee Entries

Log
Action Description Entered By Start Stop Hours
Comments

No Log Entries

00040

227

W. Mackiewicz, Owner, Use 191 Allen St for a Takeout Restaurant and Sidewalk Cafes
(hrg 3/15)(Ell)

REFERRED TO THE COMMITTEE ON LEGISLATION AND THE CITY
PLANNING BOARD

35

OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI

City Clerk
Registrar of Vital Statistics

WILMER OLIVENCIA, JR.

Deputy City Clerk

DIANA RICO

Deputy City Clerk Vital Statistics
Deputy Registrar of Vital Statistics



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

This is to acknowledge that I have been informed as to the time and place
For the public hearing regarding:

191 Allen

To be held in the Council Chamber, 13th Floor, City Hall On:

3-15-11

at 2:00 PM

I am also informed that this is the only notice that the petitioner and or owner
will receive, and that if I am not the owner or petitioner, I will inform said
owner, petitioner or his/her agent of the above.

Signed

William Mackiewicz

(Agent/Owner)

cell 310-3010

Print Name

William Mackiewicz

Phone # 883 6277

Date 2-28-11

ATTENTION

PLEASE ALSO CONTACT BILL GRILLO PRINCIPAL PLANNER,
851-5086 FOR PLANNING BOARD MEETING.

3-8-11 Council

3-15-11 P1 Bd, Legislation

3-22-11 Approval

RM 1302-6

279

Report Date 02/28/2011 03:20 PM

Submitted By DAVID GRUNDY

Page 1

A/P # 165124

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	02/28/2011 15:10	GRUND	Temp COO		
Issued			COO		
Final			Expires		

Associated Information

Type of Work	# Plans	0
Dept of Commerce	# Pages	0
Priority	<input checked="" type="checkbox"/> Auto Reviews	Bill Group
Square Footage	0.00	Name

Valuation

Declared Valuation	0.00
Calculated Valuation	0.00
Actual Valuation	0.00

Description of Work

COMMON COUNCIL APPROVAL REQUIRED, SECTION 511-55 G, FOR RE-ESTABLISHING AN ABANDONED OF A RESTRICTED USE IN THE ALLEN AT DISTRICT. PUBLIC HEARING REQUIRED. ON THE FIRST FLOOR OF A 3 STORY MASONRY MIXED-USE MULTIPLE DWELLING, ALTERATIONS AND RENOVATIONS TO ABANDONED TAKE-OUT RESTAURANT USE FOR A TAKEOUT RESTAURANT WITH SEATING FOR LESS THAN 50 PEOPLE, AND SIDEWALK CAFES TO FRONT AND LEFT SIDES AND A PRIVATE CAFE TO THE RIGHT SIDE. PLANS REQUIRED.

Parent A/P

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Property/Site Information

Address 191 ALLEN
BUFFALO NY 14201-

Location

Owner/Tenant

Contact ID AC1247595 Name THE RIGHT WAY INC.
Mailing Address 388 PORTER AVE
City BUFFALO
ZIP/PC 14201
Day Phone (716)882-3947 x
Fax
Occupant N From To
Organization
State/Province NY
Country USA ☐ Foreign
Evening Phone
Mobile #
Owner Y From 02/27/2011 To

Contact ID AC61510 Name WILLIAM WILLIAM MACK, INC.
Mailing Address 617 RICHMOND AVE.
City BUFFALO
ZIP/PC 14222
Day Phone
Fax
Occupant N From To
Organization
State/Province NY
Country USA ☐ Foreign
Evening Phone
Mobile #
Owner Y From 05/28/2000 To 05/06/2007

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

Report Date 02/28/2011 03:20 PM

Submitted By DAVID GRUNDY

Page 2

Linked Parcels

1007700006007000

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

Primary	Y	Capacity Type	
Effective		Expire	
Contact ID	TBB	Name	TO BE BID
Phone	(716)851-4924 x	Fax	
Comments	No Comments		
		Address	301 CITY HALL BUFFALO, NY 14202-

License #	Type	Contact ID	Name
999999	HIM	AC125720	TO BE BID

Item Description	Item Status
Check Fees	Fees Failed
APPLICATION FEE (\$50.00)	Unpaid
GC PMT,INSP,C OF O - INITIAL FEE (\$200.00)	Unpaid
Check Inspections	Inspections Successful
Check Reviews	Reviews Failed
542734 BCODEREV BUILDING CODE REVIEW	Incomplete
542736 CC APP COMMON COUNCIL APPROVAL REQ'D	Incomplete
542737 FPLAN FIRE PREVENTION PLAN REVIEWREQ	Incomplete
542735 LANDMARK LANDMARK PROPERTY DISCTRICK	Waived
542738 PRES PRESERVATION BOARD REVIEW	Waived
Check Conditions	Conditions Successful
MD MULTI-DWELLING PROPERTY	Approved, OK
Check Alert Conditions	Alert Conditions Successful
Check Licenses	Not Checked
Check Children Status	Children Successful
Check Open Cases	2
Case # 163554	
Case # 131726	

Fees	Status	Paid Date	Amount
APPLICATION FEE	U		50.00
GC PMT,INSP,C OF O - INITIAL FEE	U		200.00
Total Unpaid		250.00	Total Paid 0.00

Inspections	Insp #	Insp Type	#	Ord/Grp	Assigned To	Call	Scheduled
Preference		Inspected By		Comments			

There are no Inspections for this Report

Review Activities	Act #	Act Type	Status	Waived	Issued	Started	Completed
Comp By		Comments					
542734	BCODEREV	0	N		02/28/2011 15:10		

230

Report Date 02/28/2011 03:20 PM

Submitted By DAVID GRUNDY

Page 3

Review Activities	Act #	Act Type	Status	Waived	Issued	Started	Completed
Comp By		Comments					

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

Report Date 02/28/2011 03:20 PM

Submitted By DAVID GRUNDY

Page 4

Review Activities

Act # Comp By	Act Type Comments	Status	Valued	Issued	Started	Completed
542736	CC APP	0	N	02/28/2011 15:10		
542737	FPLAN	0	N	02/28/2011 15:10		
542735	LANDMARK NO EXTERIOR CHANGES.	0	Y	02/28/2011 15:10		
542738	PRES NO EXTERIOR CHANGES.	0	Y	02/28/2011 15:10		

Activity Review Details

Detail 1. PRIOR REQUIRED APPROVALS

Modified By GRUND

Modified Date/Time 02/28/2011 15:09

Comments

No Comments

PRIOR APPROVALS

Bflo Arts Commission

- ☐ Arts Comm. Approval
- ☐ Special events

City Engineering

- ☐ Curb Cuts
- ☐ Encroachment
- ☐ Oversize Trucking
- ☐ Plumbers' Cuts
- ☐ Street Cuts

City Planning

- ☐ Citywide Site Plan
- ☐ Subdivisions
- ☐ Urban Renewal

City Survey

- ☐ Address Permit
- ☐ Development
- ☐ Flood Plain

City Survey (con't)

- ☐ Subdivisions

Common Council

- ☐ Admin Office/Apts R4
- ☐ Beauty Parlor R2
- ☐ Canopy/Marquee ROW
- ☐ Freestanding Sign
- ☐ Human Service Facility
- ☐ Portable Sign in ROW
- ☒ Restricted Use Permit
- ☐ Other

Environmental Review

- ☐ S.E.Q.R.A.
- ☐ N.E.P.A.

Law Office

- ☐ Insurances Check
- ☐ Title Held

Permit Office

- ☐ Asbestos Survey
- ☐ Bond/Certified check
- ☐ First Insurances Check
- ☐ Notarized Permission/
Lease showing Use
- ☐ Rodent/Vermin Bait
- ☐ Sewer/Water Cut
- ☐ Simple Demolition
- ☐ Simple Plan Approval
- ☐ Zoning/Use Check

Preservation Board

- ☐ Preservation District
- ☐ Contiguous Check

Water Department

- ☐ New Water Supply
- ☐ Water Retention

- ☐ Asbestos Abatement
- ☐ Assessment Combination
- ☐ Public Works approval
for portable sign one year
encroachment
- ☐ Sewer Retention
- ☐ Telecommunication
- ☐ Tree over 4" at 4'
- ☐ Thruway Sign approval
- ☐ Zoning Variance

Detail 2. PLAN REVIEWS

Modified By GRUND

Modified Date/Time 02/28/2011 15:10

Comments

No Comments

231

Report Date 02/28/2011 03:20 PM

Submitted By DAVID GRUNDY

Page 5

PLAN REVIEWS

Plans Review Required

- ☐ Simple Plan Review by Permit Office
- ☐ One- and Two-Family Plan Review
- ☐ Multiple Dwellings Plan Review
- ☒ Building Code Review
- ☐ Citywide Site Plan Submission Check
- ☐ Sewer Code Review
- ☐ Plumbing Code Review
- ☐ Electrical Code Review
- ☐ HVAC (Mechanical) Code Review
- ☐ Elevator Code Review
- ☒ Fire Code Review

Revisions Required

- ☐ Revisions Required for Simple Plans
- ☐ Revisions Req'd for 1- and 2-Family
- ☐ Revisions Req'd for Mult. Dwellings
- ☐ Revisions Req'd. for Bldg Code Rev.
- ☐ Revisions Req'd. for Citywide Site
- ☐ Revisions Required for Sewer Plans
- ☐ Revisions Required for Plumbing
- ☐ Revisions Required for Electrical
- ☐ Revisions Required for HVAC/Mech.
- ☐ Revisions Required for Elevators
- ☐ Revisions Required for Fire Bureau

Check Conditions Condition Supervisor Required	Approval	Approved By Comments	Approved Date	Applied By	Applied Date	Assigned
MD N	OK	GRUND	02/28/2011 15:11	GRUND	02/28/2011 15:10	GRUND

Planning Condition	Description	Effective	Expire	Comments
--------------------	-------------	-----------	--------	----------

There is no planning condition for this project.

A/P #	A/P Type	Status	Stage	Relation
-------	----------	--------	-------	----------

No Records for This Search Criteria

General Construction

0 No. of Residential Units Lost ☐ Residential ☐ Work Without Permit (FINE) Debris:
0 No. of Residential Units Added ☒ Commercial ☐ Work Done by Owner ☐ Truss Construction

☐ Zoning Board of Appeals

ELEVATORS

You must fill out the custom form on activity detail if there is ELEVATOR work to be completed.

Building Construction: ORDINARY

USE SQ FT USE	Sq. Ft.	Demo	GC
------------------	---------	------	----

There are no items in this list

Model Home Details Type	Model #/Option	Comments
----------------------------	----------------	----------

There are no Items in this list

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

Report Date 02/28/2011 03:20 PM

Submitted By DAVID GRUNDY

Page 6

Employee ID	Last	First	MI	Comments
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No Employee Entries

Log Action	Description	Entered By	Start	Stop	Hours
------------	-------------	------------	-------	------	-------

No Log Entries

2011 FEB 28 PM 4:11

FILED
CITY CLERK

D. Crowe, Owner, Use 1406 Hertel Ave for A Sit Down Restaurant and 2 Sidewalk Café's
(hrg 3/15)(Del)

REFERRED TO THE COMMITTEE ON LEGISLATION AND THE CITY
PLANNING BOARD

OFFICE OF THE CITY CLERK

232

GERALD A. CHWALINSKI

*City Clerk
Registrar of Vital Statistics*

WILMER OLIVENCIA, JR.

Deputy City Clerk

DIANA RICO

*Deputy City Clerk Vital Statistics
Deputy Registrar of Vital Statistics*



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

This is to acknowledge that I have been informed as to the time and place
For the public hearing regarding:

1406 Hertel

To be held in the Council Chamber, 13th Floor, City Hall On:

3-15-11

at 2:00 PM

I am also informed that this is the only notice that the petitioner and or owner
will receive, and that if I am not the owner or petitioner, I will inform said
owner, petitioner or his/her agent of the above.

Signed [Signature] (Agent/Owner)

Print Name DAVID J. CROWE Phone # 585-419-8907

Date 3/2/11

ATTENTION

PLEASE ALSO CONTACT BILL GRILLO PRINCIPAL PLANNER,
851-5086 FOR PLANNING BOARD MEETING.

Rm 901

3-8-11 Council
3-15-11 CPBD, Legislation

234

Report Date 03/02/2011 02:56 PM

Submitted By FLD

Page 1

A/P # 165203

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	03/02/2011 14:50	DIGEF	Temp COO		
Issued			COO		
Final			Expires		

Associated Information

Type of Work	# Plans	0	Declared Valuation	300000.00
Dept of Commerce	# Pages	0	Calculated Valuation	0.00
Priority	<input checked="" type="checkbox"/> Auto Reviews	Bill Group	Actual Valuation	0.00
Square Footage	0.00	Name		

Description of Work

*** BUILDING PLANS/Common Council Approval 511-55 (Public Hearing) Required*** For Restricted Use Permit in the Hertel Ave Special Zoning District. Convert the corner tenant space in a 1 story strip mall from mercantile to a sit down restaurant "Spot Coffee". and place 2 outdoor cafes (10' x 40' 8" Hertel side and 10' x 42' Northpark side) on the R.O.W. as per scanned sketch and survey.

Parent A/P #

Project # Project/Phase Name
Size/Area Size Description

Phase #

Property/Site Information

Address 1406 HERTEL
BUFFALO NY 14216

Location

Owner/Tenant

Contact ID AC1016151	Name	1448 HERTEL AVE INC	Organization	
Mailing Address	1408 HERTEL AVE		State/Province	NY
City	BUFFALO		Country	USA
ZIP/PC	14216-2825		Evening Phone	
Day Phone			Mobile #	
Fax			Owner Y	From 02/27/2002 To 05/06/2007
Occupant N	From	To		
Contact ID AC793090	Name	1448 HERTEL AVE INC	Organization	
Mailing Address	1406-1408 HERTEL AVE		State/Province	NY
City	BUFFALO		Country	USA
ZIP/PC	14216-2825		Evening Phone	
Day Phone			Mobile #	
Fax			Owner Y	From 04/10/2001 To 05/06/2007
Occupant N	From	To		
Contact ID AC1215796	Name	C/O JAMES M STEINHORN 1448 HERTEL AVE INC	Organization	
Mailing Address			State/Province	BUFFALO NY
City	1408 HERTEL AVE		Country	
ZIP/PC	14216-2825		Evening Phone	
Day Phone			Mobile #	
Fax			Owner Y	From 02/22/2005 To 05/06/2007
Occupant N	From	To		

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

Report Date 03/02/2011 02:56 PM

Submitted By FLD

Page 2

Owner/Tenant

Contact ID AC208992 Name VOELKL LLC

Mailing Address 1479 KENSINGTON AVE

City BUFFALO

ZIP/PC 14215

Day Phone

Fax

Occupant N From To

Organization

State/Province NY

Country USA

☐ Foreign

Evening Phone

Mobile #

Owner Y From 07/07/2005 To

Contact ID AC18352 Name ZUCKER, WILLIAM & 1

Mailing Address 1408 HERTEL AVE

City BUFFALO

ZIP/PC 14216-2825

Day Phone

Fax

Occupant N From To

Organization

State/Province NY

Country USA

☐ Foreign

Evening Phone

Mobile #

Owner Y From 05/28/2000 To 05/06/2007

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

0786500003018000

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

Primary Y

Effective

Contact ID TBB

Phone (716)851-4924 x

Comments

Capacity Type

Expire

Name

Fax

TO BE BID

Address 301 CITY HALL

BUFFALO, NY 14202

ARCHITECT/APPLICANT: DAVID CROWE 585-419-8756

License #

Type

Contact ID

Name

999999

HIM

AC125720

TO BE BID

Item Description

Item Status

Check Fees

• APPLICATION FEE (\$50.00)

• GC PLAN REVIEW - ASSEMBLY (\$202.32)

GC PMT, INSP, C OF O FEE - ASSEMBLY (\$202.32)

GC PMT, INSP, C OF O - INITIAL FEE (\$200.00)

Check Inspections

Check Reviews

543060 BCODEREV BUILDING CODE REVIEW

543061 CC APP COMMON COUNCIL APPROVAL REQ'D

543064 ELECTRICAL PLAN REVIEW REQ'D

Fees Failed

Unpaid

Unpaid

Unpaid

Unpaid

Inspections Successful

Reviews Failed

Incomplete

Incomplete

Incomplete

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

235

Report Date 03/02/2011 02:56 PM

Submitted By FLD

Page 3

Item Description

Item Status

543059 ENGINEER ENCROACHMENT OVER CITY ROW?	Incomplete
543062 FPLAN FIRE PREVENTION PLAN REVIEWREQ	Incomplete
543065 HPLAN HVAC PLAN REVIEW REQUIRED	Incomplete
543063 PPLAN -PLUMBING PLAN REVIEW REQUIRED	Incomplete
Check Conditions	Conditions Successful
Check Alert Conditions	Alert Conditions Successful
Check Licenses	Not Checked
Check Children Status	Children Successful
Check Open Cases	0

Fees	Status	Paid Date	Amount
APPLICATION FEE	U		50.00
GC PLAN REVIEW - ASSEMBLY	U		202.32
GC PMT, INSP, C OF O FEE - ASSEMBLY	U		202.32
GC PMT, INSP, C OF O - INITIAL FEE	U		200.00
Total Unpaid	654.64	Total Paid	0.00

Inspections

There are no inspections for this Report

Review Activities

Act #	Act Type	Status	Waived	Issued	Started	Completed
543060	BCODEREV	0	N	03/02/2011 14:50		
543061	CC APP	0	N	03/02/2011 14:50		
543064	ELECTRICAL	0	N	03/02/2011 14:50		
543059	ENGINEER	0	N	03/02/2011 14:50		
543062	FPLAN	0	N	03/02/2011 14:50		
543065	HPLAN	0	N	03/02/2011 14:50		
543063	PPLAN	0	N	03/02/2011 14:50		

Activity Review Details

Detail 1. PRIOR REQUIRED APPROVALS

Modified By DIGEF

Modified Date/Time 03/02/2011 14:48

Comments

No Comments

Report Date 03/02/2011 02:56 PM

Submitted By FLD

Page 4

PRIOR APPROVALS

Bflo Arts Commission

- ☐ Arts Comm. Approval
☐ Special events

City Engineering

- ☐ Curb Cuts
☒ Encroachment
☐ Oversize Trucking
☐ Plumbers' Cuts
☐ Street Cuts

City Planning

- ☐ Citywide Site Plan
☐ Subdivisions
☐ Urban Renewal

City Survey

- ☐ Address Permit
☐ Development
☐ Flood Plain

City Survey (con't)

- ☐ Subdivisions

Common Council

- ☐ Admin Office/Apts R4
☐ Beauty Parlor R2
☐ Canopy/Marquee ROW
☐ Freestanding Sign
☐ Human Service Facility
☐ Portable Sign in ROW
☒ Restricted Use Permit
☐ Other

Environmental Review

- ☐ S.E.Q.R.A.
☐ N.E.P.A.

Law Office

- ☐ Insurances Check
☐ Title Held

Permit Office

- ☐ Asbestos Survey
☐ Bond/Certified check
☐ First Insurances Check
☐ Notarized Permission/
Lease showing Use
☐ Rodent/Vermin Bait
☐ Sewer/Water Cut
☐ Simple Demolition
☐ Simple Plan Approval
☐ Zoning/Use Check

- ☐ Asbestos Abatement

- ☐ Assessment Combination

- ☐ Public Works approval
for portable sign one year
encroachment

- ☐ Sewer Retention

- ☐ Telecommunication

- ☐ Tree over 4" at 4'

- ☐ Thruway Sign approval

- ☐ Zoning Variance

Preservation Board

- ☐ Preservation District
☐ Contiguous Check

Water Department

- ☐ New Water Supply
☐ Water Retention

Detail 2. PLAN REVIEWS

Comments

No Comments

Modified By DIGEF

Modified Date/Time 03/02/2011 14:50

PLAN REVIEWS

Plans Review Required

- ☐ Simple Plan Review by Permit Office
☐ One- and Two-Family Plan Review
☐ Multiple Dwellings Plan Review
☒ Building Code Review
☐ Citywide Site Plan Submission Check
☐ Sewer Code Review
☒ Plumbing Code Review
☒ Electrical Code Review
☒ HVAC (Mechanical) Code Review
☐ Elevator Code Review
☒ Fire Code Review

Revisions Required

- ☐ Revisions Required for Simple Plans
☐ Revisions Req'd for 1- and 2-Family
☐ Revisions Req'd for Mult. Dwellings
☐ Revisions Req'd. for Bldg Code Rev.
☐ Revisions Req'd. for Citywide Site
☐ Revisions Required for Sewer Plans
☐ Revisions Required for Plumbing
☐ Revisions Required for Electrical
☐ Revisions Required for HVAC/Mech.
☐ Revisions Required for Elevators
☐ Revisions Required for Fire Bureau

Check Conditions

Condition	Approval	Approved By	Approved Date	Applied By	Applied Date	Assigned
-----------	----------	-------------	---------------	------------	--------------	----------

No Conditions

Planning Condition	Description	Effective	Expire	Comments
--------------------	-------------	-----------	--------	----------

There is no planning condition for this project.

A/P #	A/P Type	Status	Stage	Relation
-------	----------	--------	-------	----------

No Records for This Search Criteria

Report Date 03/02/2011 02:56 PM

Submitted By FLD

236
Page 5

General Construction

0 No. of Residential Units Lost ☐ Residential ☐ Work Without Permit (FINE) Debris:
0 No. of Residential Units Added ☐ Commercial ☐ Work Done by Owner ☐ Truss Construction

☐ Zoning Board of Appeals

ELEVATORS

You must fill out the custom form on activity detail if there is ELEVATOR work to be completed.

Building Construction:

USE SQ FT	Sq. Ft.	Demo	GC
-----------	---------	------	----

A	3372.00		Y
---	---------	--	---

Model Home Details	Comments
Type Model #/Option	

There are no items in this list

Employee	Last	First	MI	Comments
Employee ID				

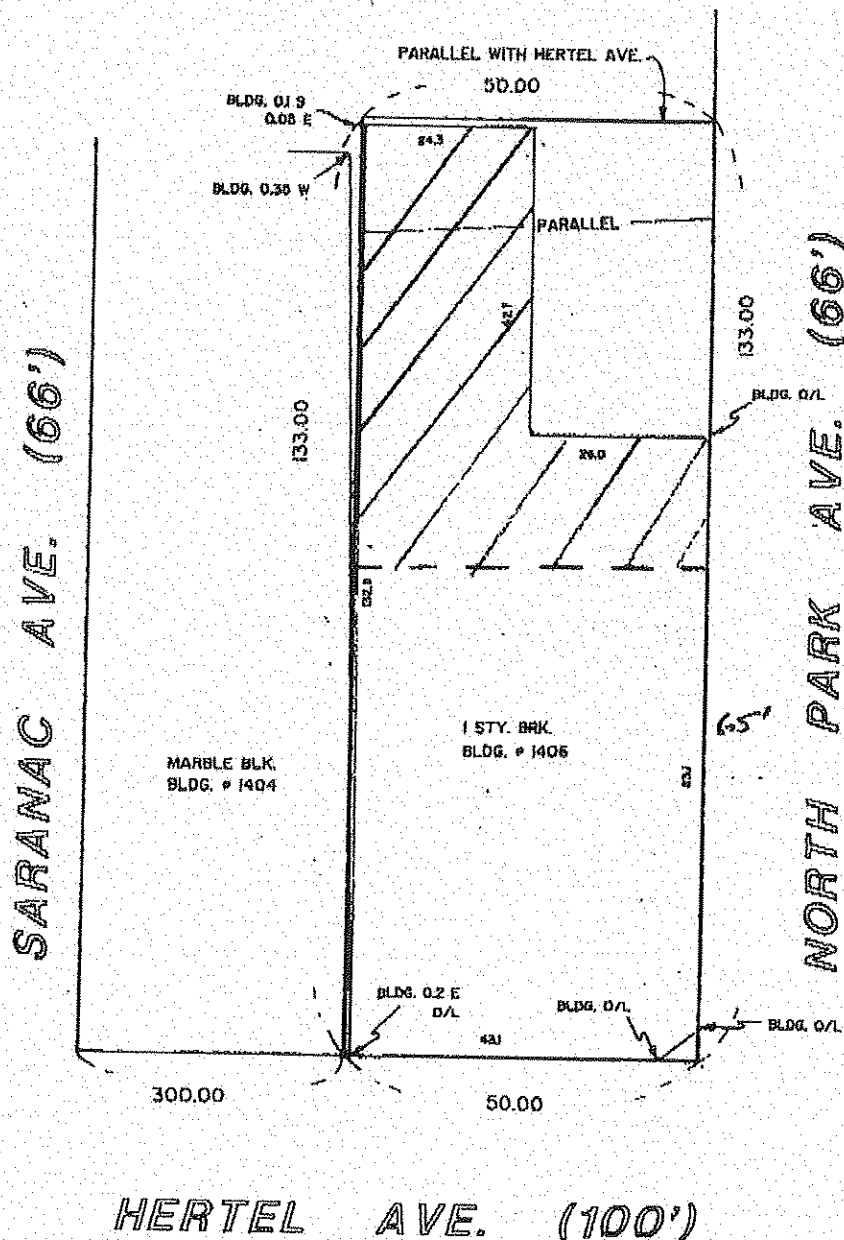
No Employee Entries

Log	Description	Entered By	Start	Stop	Hours
Action					
Comments					

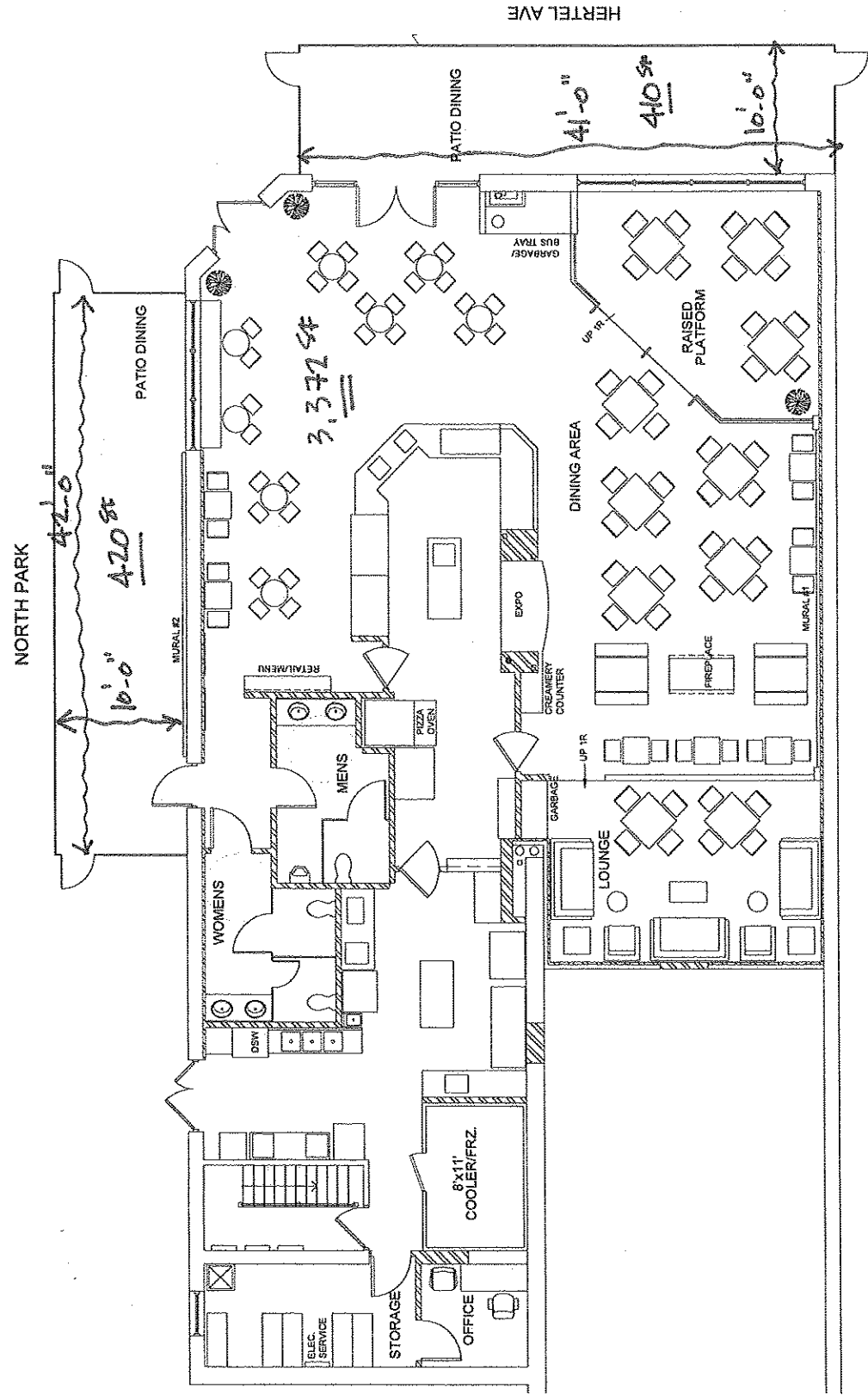
No Log Entries

Floor Plan For The Premises

237



238



PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"

Plotted: Mar 02, 2011-11:23AM

Project Name:

SPOT COFFEE
1406 Hertel Avenue
Buffalo, NY 14216

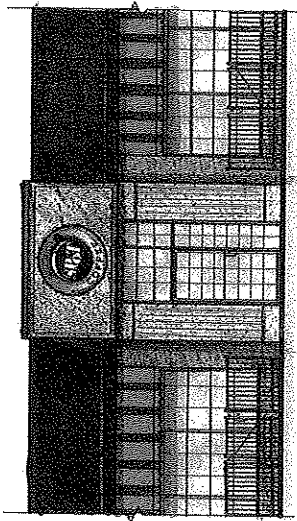
Revisions:

DJC ARCHITECTURE
99 Gamsey Road, Suite 101
Pittsford, NY 14534
585.419.8800 P + 585.419.8814 F
www.hbcornerstone.com

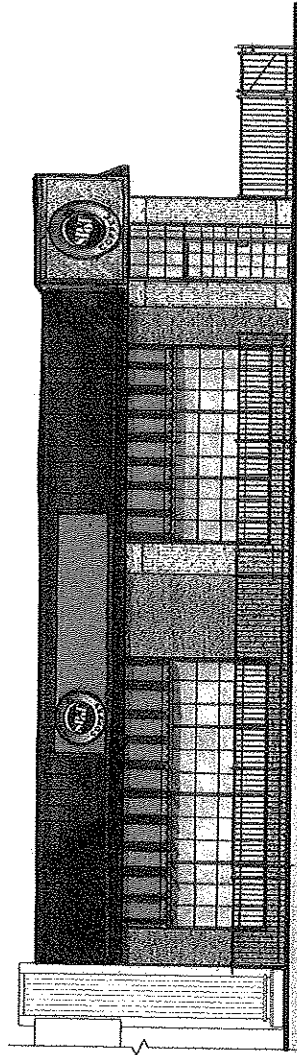
Project No. 231390
Scale: 1/8" = 1'-0"
Date: 03-02-11
Drawn By:

Drawing Title
PROPOSED FLOOR PLAN

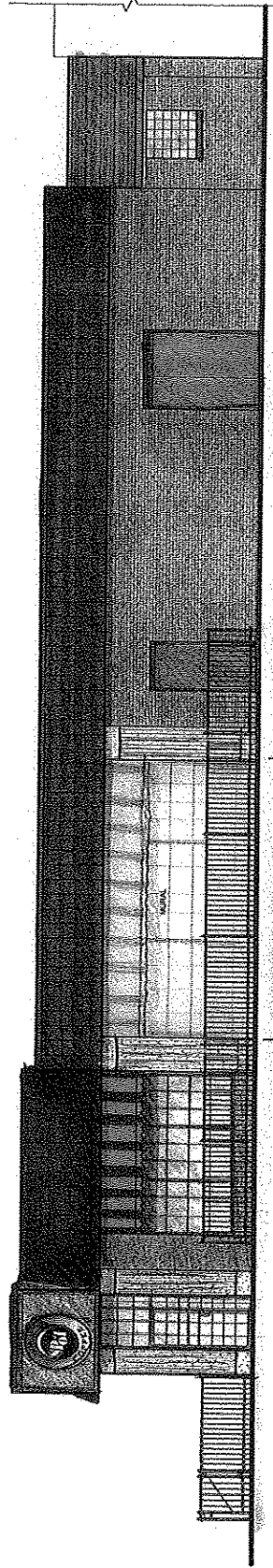
Drawing No.
2.0



SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"

Plotted: Mar 01, 2011-1:26PM

Project Name:

SPOT COFFEE

1406 Hertel Avenue
Buffalo, NY 14216

Revisions:

DJC ARCHITECTURE

99 Gamssey Road, Suite 101
Pittsford, NY 14534
585.419.8800 P + 585.419.8814 F
www.hbcornerstone.com

Project No. 231390

Scale: 1/8" = 1'-0"

Date: 03-01-11

Drawn By:

Drawing Title
PROPOSED ELEVATIONS

Drawing No.

1.0

Regular Committees

242

CIVIL SERVICE
(Bonnie E. Russell, Chairperson)

00042

243

Appoint Sr Data Processing Equipment Operator
(Temp)(Inter)(Miranda)(MIS)
Ccp# 7, 2/22

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Bonnie E Russell

Recommended by the Committee on Civil Service

1

00043

Appoint Account Clerk Typist (Perm)(Inter)(Mann)(PW)
Ccp# 14, 2/22

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Bonnie E Russell

Recommended by the Committee on Civil Service

00044

Appoint Principal Engineer (Perm)(Max)(Ghasemi)(PW)
Ccp# 15, 02/22

Mrs Russell moved

That Communication of 15 of February 22, 2011, be received and
Filed and that the Permanent appointment of Sayed Ghasemi, 161
Whithall, Buffalo, NY 14220 at the Maximum Salary of \$77,713.00 is
hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E. Russell

246

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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	*	*	*	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

00045

247

Response Re Residency Requirement for 2011 Police Officer Exam(CS)
Ccp# 21, 2/08

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Bonnie E. Russell

Recommended by the Committee on Civil Service

4

00046

M. Kearns-M. Kless-Procedures for Administering Civil Service Tests
Ccp# 30, 11/16

248

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Bonnie E Russell

Recommended by the Committee on Civil Service

5

00047

M. Kearns-Police Hiring Procedures: Model for Buffalo, NY
Ccp# 64, 6/08

249

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Bonnie E Russell

Recommended by the Committee on Civil Service

6

250

FINANCE

(Michael P. Kearns, Chairman)

Permission to Engage Services- Consulting Engineering Services (PW)
(Item No. 9, C.C.P., February 22, 2011)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Kearns moved:

That the Common Council hereby authorizes the Department of Public Works, Parks and Streets to hire an engineering consultant for a term contract to provide engineering services for Federal-Aid projects; specifically in the areas of traffic and transportation engineering and design, construction and management inspection services, on the condition that said contract is forwarded to the Common Council for its approval prior to execution with an indication of what funds will be used to cover the costs of the services provided pursuant thereto.

Passed.

Recommended by the Committee on Finance


Chairman

252

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	
	*	9	0	*
	*	*	*	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

Permission to Engage Services- Consulting Engineer-Grant Services (PW)
(Item No. 10, C.C.P., February 22, 2011)

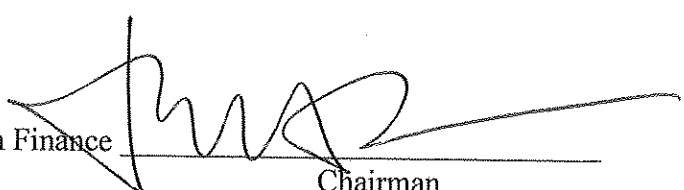
That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Kearns moved:

That the Common Council hereby authorizes the Department of Public Works, Parks and Streets to hire an engineering consultant for a term contract to provide grant services, on the condition that said contract is forwarded to the Common Council for its approval prior to execution with an indication of what funds will be used to cover the costs of the services provided pursuant thereto.

Passed.

Recommended by the Committee on Finance


Chairman

254

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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	*	*	*	*
	*	*	*	*

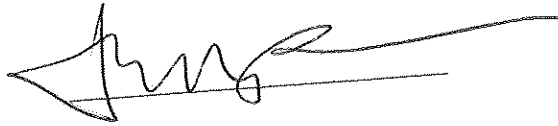
Maj - 5
2/3 - 6
3/4 - 7

Meeting Schedules for The Board of Plumbers(EDPI)
Ccp# 18, 2/22

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

A handwritten signature in black ink, appearing to be 'J. M. Kearns', written over a horizontal line.

Recommended by the Committee on Finance

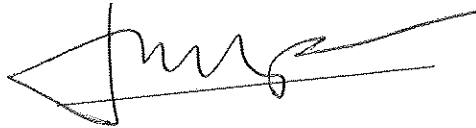
00051

256
M. Kearns-M. Basinait re: Western Regional-Off Track Betting Corp.
Ccp# 30, 2/22

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

A handwritten signature in black ink, appearing to be "M. Kearns", written over a horizontal line.

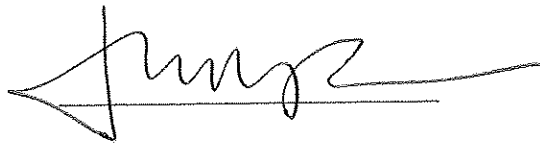
Recommended by the Committee on Finance

J. Pajak-Response HR-Review of City Hall Security
Ccp# 40, 2/22

Mr. Kearns moved

That the above item be the same and hereby is Referred to the Special Committee on Budget

ADOPT

A handwritten signature in black ink, appearing to be "J. Pajak", written over a horizontal line.

Recommended by the Committee on Finance

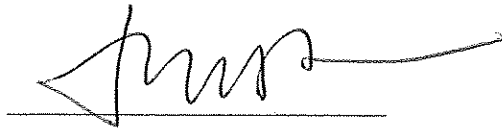
A Review of City Hall Security
Ccp# 91, 1/25

258

Mr. Kearns moved

That the above item be the same and hereby is Referred to the Special Committee on Budget

ADOPT

A handwritten signature in dark ink, appearing to be 'P. Kearns', written over a horizontal line.

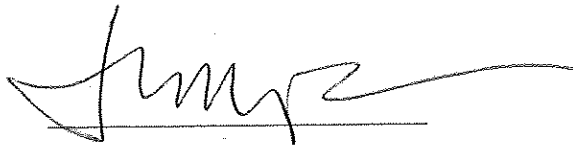
Recommended by the Committee on Finance

J. Pajak-Compt's Report to Mayor 2011 Cap Improv Budget & 5 Yr Plan
Ccp# 83, 9/7

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

A handwritten signature in dark ink, appearing to be "J. Pajak", written over a horizontal line.

Recommended by the Committee on Finance

COMMUNITY DEVELOPMENT
(Michael J. LoCurto, Chairman)

Report of Sale – 361 Adams
(Item No. 1, C.C.P., Feb. 22, 2011)

That the above item be, and the same hereby is, returned to the Common Council without recommendation.

Mr. LoCurto moved:

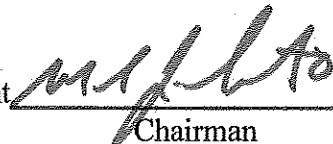
That the offer from Mr. Gary Collins and Mr. Jermaine Collins, residing at 355 Adams Street, in the sum of One Thousand and Eight Hundred and Twenty-Five Dollars (\$1,825.00) for the purchase of 361 Adams, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

Recommended by the Committee on Community Development


Chairman

262

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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	*	*	*	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

LEGISLATION

(Joseph Golombek Jr., Chairman)

00056

264

Notification Serials-10605-10608 (PW)
(Waive 45 Days) (#8, 2/22)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation Joseph H. Binkley, Jr.

15

00057

265

C. Collins-Participate at the Gov't for People UB Summit
(#29, 2/22)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation Joseph G. Hembel

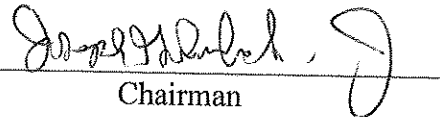
16

Ordinance Amendment - Chapter 511 – Clinton St. Special Zoning District
(Item No. 91, C.C.P., February 22, 2011)

That the Ordinance Amendment as contained in Item No. 91, C.C.P., February 22, 2011, be and the same hereby is approved.

Passed

Recommended by the Committee on Legislation


Chairman

TAB:rmv
T:\wp60\unsword\rmv\17c3-8c.doc

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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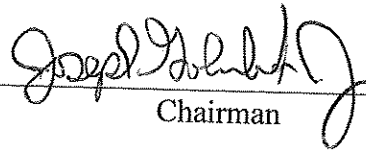
Maj - 5
2/3 - 6
3/4 - 7

Ordinance Amendment - Chapter 511 – Lovejoy St. Special Zoning District
(Item No. 92, C.C.P., February 22, 2011)

That the Ordinance Amendment as contained in Item No. 92, C.C.P., February 22, 2011, be and the same hereby is approved.

Passed

Recommended by the Committee on Legislation


Chairman

TAB:rmv

T:\wp60\msword\rmv\18c3-8c.doc

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	
	*	*	*	
	*	9	0	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

00060

Ordinance Amendment - Chapter 511 -- Genesee St. Special Zoning District
(Item No. 93, C.C.P., February 22, 2011)

That the Ordinance Amendment as contained in Item No. 93, C.C.P., February 22, 2011, be and the same hereby is approved.

Passed

Recommended by the Committee on Legislation


Chairman

TAB:rmv

T:\wp60\msword\rmv\19c3-8c.doc

271

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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	*	9	* 0	*
	*	*	*	*
	*	*	*	*

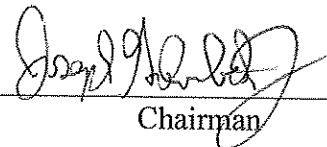
Maj - 5
2/3 - 6
3/4 - 7

Ordinance Amendment - Chapter 511 – Zoning Pan-American
(Item No. 96, C.C.P., February 22, 2011)

That the Ordinance Amendment as contained in Item No. 96, C.C.P., February 22, 2011, be and the same hereby is approved.

Passed

Recommended by the Committee on Legislation


Chairman

TAB:rmv

T:\wp60\msword\rmv\20c3-8c.doc

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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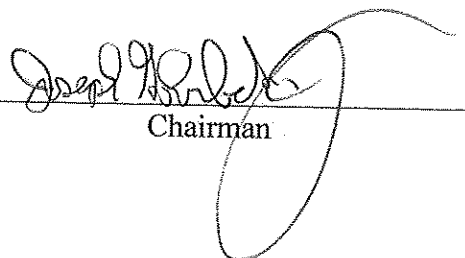
Maj - 5
2/3 - 6
3/4 - 7

LL Intro. No. 1 – Amending the Charter of COB in relation to the Dept. of Audit and
Control
(Item No. 97, C.C.P., February 22, 2011)

That the Ordinance Amendment as contained in Item No. 97, C.C.P., February 22,
2011, be and the same hereby is approved.

Passed

Recommended by the Committee on Legislation


Chairman

TAB:rmv

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275

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	<input checked="" type="checkbox"/>	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

BSA Policy for Treatment of Natural Gas Drilling (Hydro Fracking)
(Item No. 72, C.C.P., February 2, 2011)

That the above-entitled resolution is returned to the Common Council from the Committee on Legislation without recommendation;

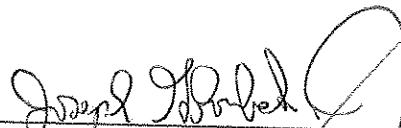
Mr. Golombek moved:

That the above Resolution be received and filed; and

That the Common Council acknowledges and appreciates the appearance of the General Manager of the Buffalo Sewer Authority's appearance at the Legislation Committee Meeting and his explanation of the Authority's policy of not accepting "frack-water" and awaits a formal policy declaration to that effect from the Buffalo Sewer Authority Board.

Passed

Recommended by the Committee on Legislation


Chairman

TAB:rmv

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* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
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Maj - 5

2/3 - 6

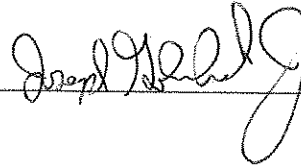
3/4 - 7

D. Rosen-SLA Response to Underage Drinking World Junior Hockey Champ
(#38, 2/8)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation

A handwritten signature in cursive script, appearing to read "Joseph Healy", written over a horizontal line.

00065

279

C. Kalevar-Concerns 136 Adams-Water/Sewer & User Fees for Empty Lot
(#46, 12/14)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation

Joseph H. Habel, Jr.

24

00066

280

Licensing Plowing & Snow Removal Business in the City of Buffalo
(#79, 12/14)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation

Joseph W. Belcher

25

Food Store License (New) – 1635 Genesee (Fill)(EDPI)
(Item No. 28, C.C.P., November 3, 2010)

Mr. Golombek moved:

That the above communication from the Department of Permit and Inspection Services dated October 27, 2010, be received and filed; and

That pursuant to Chapter 194 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Food Store License to Ahmed Ayash, d/b/a The Island Food Mart, located at 1635 Genesee.

Passed

Recommended by the Committee on Legislation


Chairman

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288

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

273

That the above item be the same and hereby is Received and Filed.

~~ADOPTED~~

Joseph H. H. H. H.

283A
**Mr. Golombek moved that the above item be recommitted to the Committee on
Legislation**

ADOPTED

284

RESOLUTIONS

March 8, 2011

RESOLUTION

By: Mr. Franczyk

Co-Sponsors: Mr. Fontana, Mr. Kearns

RE: Permission to Hang Flags Along Old Neighborhood Parade Route

Whereas: The Valley Community Center founded the Old Neighborhood St. Patrick's Day Parade in 1994; and

Whereas: The parade retraces the original St. Patrick's Day 1914 parade route and focuses on fun, and the tradition and nostalgia associated with the Old First Ward and Valley neighborhood; and

Whereas: The first parade started out small with about twenty marching units. This year, on March 19, 2011, the Old Neighborhood St. Patrick's Day Parade will have over 75 marching units and is the second largest St. Patrick's Day Parade in Western New York; and

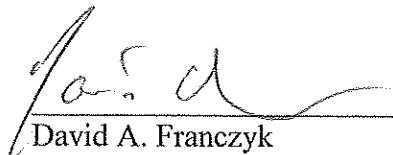
Whereas: The Valley Community Center is requesting to hang flags along the parade route from March 12, 2011 to March 26, 2011;


Now, Therefore, Be It Resolved:

That the City of Buffalo Common Council hereby permits the Valley Community Center to hang flags along the route of the Old Neighborhood St. Patrick' Day Parade. The flags will be installed on March 12, 2011 and stay up until March 26, 2011; and

Now, Therefore, Be It Further Resolved:

That the flags be hung in accordance with all conditions, restrictions, and requirements as set forth by the City of Buffalo and the Department of Public Works, Parks and Streets.


David A. Franczyk


Richard A. Fontana


Michael P. Kearns

ADOPTED

By: Mr. Golombek

Re: Discharge Legislation Committee
Item #62 C.C.P. January 11, 2011
"Food Store License (New)-912 E. Delavan (Mas) (EDPI)
(#25, 12/14) (#52, 12/28)"

Whereas: The above item is currently in the Legislation Committee; and

Whereas: It is no longer necessary for this item to be considered by that committee;

Now, Therefore Be it Resolved:

That this Common Council does hereby discharge the Legislation Committee from further consideration of Item #62 C.C.P. January 11, 2011 "Food Store License (New)-912 E. Delavan (Mas) (EDPI) (#25, 12/14) (#52, 12/28)" and said item is now before the Common Council for its consideration.



Joseph Golombek, Jr.

ADDP T DISCHARGE
APP

37AA
RT

Conditions for 912 E. Delavan Food Store License

Hours of Operation – 11 PM Weekdays, 12 AM Weekends
Days of Operation
Licensed Security Guard – 8 PM to Close
Security Cameras on premises
Security tapes to be kept for a specific period – 30 days
Security tapes to be available upon request
Security Signage (Noting location is monitored)
No Loitering
“NO LOITERING” Signage
Graffiti removal – within 48 hours
No Cigarette Displays or Advertising on outside of store
No Alcohol Displays or Advertising on Outside of Store
No Blunt Displays
No “One-Hit” Tobacco Pop Sales or Displays
No Glass Tube Sales or Displays
No Cigarette Rolling papers Displays
No Outside Speakers
Outdoor Trash Receptacles/Garbage Cans outside
Adherence to All Local, State & Federal Rules and Regulations
No encumbrance on the City Right of Way
No obstruction of windows
Sign Ethics Agreement

288

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

RESOLUTION

By: Mr. Golombek

RE: Acquisition of Vacant Lots for use as Community Gardens

WHEREAS, Certain lots in the City of Buffalo lie vacant and as a blight to the surrounding neighborhood, and it would be beneficial to the City for these lots to be stabilized and maintained as community gardens;

WHEREAS, One such lot is described as ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING in the City of Buffalo, County of Erie and State of New York, being part of Lots Numbers 136 and 137 of Parish Tract, so called, and bounded as follows: BEGINNING in the easterly line of Dearborn Street, 66 feet northerly from the northerly line of Hamilton Street; thence easterly and parallel with the northerly line of Hamilton Street 82 Y, feet to the center of the block; thence northerly parallel with Dearborn Street 33 feet; thence westerly parallel with the first mentioned boundary 82 Y, feet to the easterly line of Dearborn Street; thence southerly along said line of Dearborn Street 33 feet to the place of beginning, commonly known as 279 Dearborn Street, and;

WHEREAS, The property known as 279 Dearborn Street is owned by Ahmed Albadri;

WHEREAS, Another such lot is described as ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number two hundred fifty-three (253) of the Parish Tract and further distinguished as Subdivision Lot Number eighteen (18) in Block "D" as shown on a map filed in Erie County Clerk's Office under Cover Number 196 and being thirty (30) feet front and rear by one hundred (100) feet in depth, Germain Street, east side, four hundred forty-two and ninety-two hundredths (442.92) feet south of Grote Street, commonly known as 139 Germain Street, and;

WHEREAS, The property known as 139 Germain Street is owned by The North Buffalo Community Center, Inc. and;

WHEREAS, The Charter and Code of the City of Buffalo, §27-2, states that the Common Council "by a two-thirds vote of all the members elected thereto authorize the mayor to acquire title to or lease any real property;"

NOW THEREFORE BE IT RESOLVED, That this Common Council hereby directs the Director of Real Estate to acquire the vacant lots at 279 Dearborn for the purchase price of \$300 and 139 Germain Streets for \$1 and no more, and;

BE IT FURTHER RESOLVED, That copies of this Resolution be forwarded to the Division of Real Estate and the Corporation Counsel's Office, in order that said transactions may be accomplished.

PASSED



Joseph Golombek, Jr.

APP

37A
RF

240

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

* AYE * NO *

Sponsor: Darius G. Pridgen
Subject: Safety meeting with nightclub owners and promoters

WHEREAS: In light of recent events involving unruly behavior in downtown nightclubs, the Buffalo Common Council expresses its concern for the health, safety and welfare of all individuals that live, work and visit our city; and

WHEREAS: It is the duty of this honorable body to take immediate and conscientious actions to prevent a continual rise in violence and unruly behavior in the City of Buffalo. Elected officials, the business community and residents must work together to ensure a safe environment for all; and

WHEREAS: Media reports continue to indicate incidents of unruly behavior inside and around certain establishments that host evening entertainment events; and

WHEREAS: The City of Buffalo Common Council has an obligation to city residents to ensure that all establishments located in the City of Buffalo granted a retail license from the New York State Liquor Authority are in full compliance with the requirements mandated to maintain their license; and

WHEREAS: While the vast majority of bars, restaurants and hotels in the Ellicott District are responsible and positive members of the local business community, and in many cases have vocally expressed concern about unruly behavior and desire to work together to ensure that Buffalo night spots are a desired place of entertainment and not illegal activity; and

WHEREAS: The Buffalo Common Council is sending out a clear message that responsible enjoyment and entertainment is always welcome in our city, but crime and unruly behavior will not be tolerated.

NOW, THEREFORE, BE IT RESOLVED: That a request be sent to the Buffalo Police Department to issue a report showing the amount of police calls to nightspots in the Ellicott District in 2011, the nature and resolution of those calls.

BE IT FINALLY RESOLVED: That all establishments that have a current valid liquor license, promote events and operate a business within the boundaries of downtown Buffalo and the Ellicott District be in attendance on Thursday March, 24, 2011, 10am at the Buffalo Public Library to 1) Be made aware of current city laws concerning their establishments; 2) To discuss ways that our entertainment district may continue to thrive without an increase in violence and unruly behavior; 3) Be made aware, and discuss, legislation now being drafted to create a safe environment in and around nightclubs and entertainment events.

Darius G. Pridgen
Ellicott District Council Member

ADOPTED

ADOPT

37B

87

BY: Ms. RUSSELL

BUDGET AND PERSONNEL AMENDMENT
05 – LAW
1046 – LAW DEPARTMENT

The Common Council of the City Of Buffalo does ordain as follows:

That part of Section 1 of Chapter 35 of the Code of the City of Buffalo, relating to 05 – Law, 1046-Law Department which currently reads:

1	Legal Stenographer	\$ 35,026 - \$ 40,337
4	Legal Secretary	\$ 35,026 - \$ 40,337

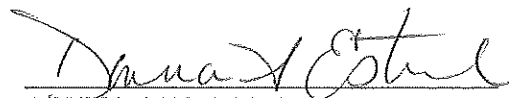
Is hereby amended to read:

5	Legal Secretary	\$ 35,026 - \$ 40,337
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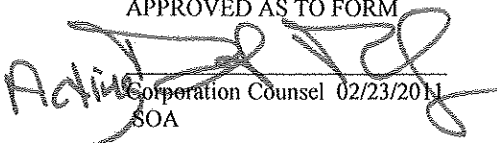
IT IS HEREBY CERTIFIED, that a personnel requisition incident to the creation of the above-mentioned position, containing a statement of the duties for such position, has been filed with the Municipal Civil Service Commission, and said Commission has approved and certified the position title set forth in the foregoing ordinance as being the appropriate Civil Service title for the proposed position

DAVID RODRIGUEZ, ACTING CORPORATION COUNSEL AND DONNA J. ESTRICH, DIRECTOR OF BUDGET, ADMINISTRATION AND FINANCE, hereby certify that the above change is necessary for the proper conduct, administration and performance of essential services of that department. We recommend that the compensation for said position be fixed at the respective amount set forth in the foregoing ordinance.


 DAVID RODRIGUEZ
 ACTING CORPORATION COUNSEL


 DONNA J. ESTRICH
 DIRECTOR OF BUDGET,
 ADMINISTRATION AND FINANCE

APPROVED AS TO FORM


 Acting Corporation Counsel 02/23/2011
 SOA

PASSED

38

293

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

74

BY: DEMONE A SMITH

Appointments
Commissioners of Deeds
Required for the Proper
Performance of Public Duties

That the following person(s) are hereby appointed as Commissioner of Deeds for the term ending December 31, 2012, conditional upon the persons so appointed certifying under oath to their qualifications and filing same with the City of Buffalo

Gary Chwojdak
Thomas Leatherbarrow
John Paradowski
Valerie Stover-Kelly
Karen Colquhoun
Janet Stachura
Miranda Rodriguez
Rosemary VanderHaeghe
Peter Thibaudeau
Nelson M. Rivera

TOTAL 10

ADOPTED

39

245

ANNOUNCEMENT OF COMMITTEE MEETINGS

The following meetings are scheduled. All meetings are held in the Common Council Chambers, 13th floor City Hall, Buffalo, New York, unless otherwise noted.

Regular Committees

Committee on Civil Service	Tuesday, March 15, 2011 at 9:45 o'clock A.M.
Committee on Finance following Civil Service	Tuesday, March 15, 2011 at 10:00 o'clock A.M.
Committee on Comm. Dev.	Tuesday, March 15, 2011 at 1:00 o'clock P.M.
Committee on Legislation	Tuesday, March 15, 2011 at 2:00 o'clock P.M.

(Public Disclaimer): All meetings are subject to change and cancellation by the respective Chairmen of Council Committees. In the event that there is sufficient time given for notification, it will be provided. In addition, there may be meetings set up whereby the City Clerk's Office is not made aware; therefore, unless we receive notice from the respective Chairmen, we can only make notification of what we are made aware.

00076

296

No.

Adjournment

On a motion by Mr. Fontana, Seconded by ^{MRS. RUSSELL} ~~Mr. Kearns~~, the Council adjourned at

2:30 PM

GERALD CHWALINSKI
CITY CLERK

March 8, 2011